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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उपखण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं
Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories.)

## ELECTION COMMISSION OF INDIA

*New Delhi, the 29th May, 1972*

**S.O. 2112.**—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 8th March, 1972 by the High Court of Judicature at Patna in Election Petition No. 2 of 1971.

ELECTION PETITION NO. 2 OF 1971

In the matter of an application under sections 80A and 81 of the Representation of the People Act, 1951.

Shrimati Sumitra Devi—*Petitioner.*

*Versus*

Shri Sheo Shankar Prasad Yadav & Ors.—*Respondents.*

*For the Petitioner.*—M/s. K. P. Verma, Kamla Kant Prasad and Shambhu Nath Jha.

*For Respondent No. 1*—M/s. Shyama Prasad Mukherji and Ganga Prasad Roy.

*The 8th March, 1972*

PRESENT:

The Hon'ble Mr. Justice C. P. Sinha.

C. P. Sinha:

This election petition under sections 80A and 81 of the Representation of the People Act, 1951 has been filed by Shrimati Sumitra Devi with two-fold prayer. The first is to declare the election of the returned candidate Sri Sheo Shankar Prasad Yadav (respondent No. 1) void, and second, to declare her to be the duly elected Member of the Parliament from 31-Khagaria Parliamentary constituency.

2. The undisputed facts are:—this 31-Khagaria Parliamentary constituency comprised of six Assembly constituencies, namely, Parbatta, Chautham, Alauli, Khagaria, Ballia and Bakhri. In 1971, this Parliamentary constituency, along with others in the country were called upon to elect members for the Parliament. According to the programme of the Election Commission as fixed for this Khagaria Parliamentary constituency, nominations were to be filed from 27th January, 1971 to 3rd February, 1971 and they were to be scrutinised on 4th February 1971; poll, if necessary, was to take place on 5th March, 1971; the ballots were to be counted on 10th March, 1971 and the result of the election was to be declared on 11th March, 1971. In pursuance to that programme, 12 candidates filed their nomination papers, two of them however, subsequently withdrew, whereafter 10 candidates, including this petitioner and respondent No. 1, were left in the field.

3. Out of the above 10 contestants, petitioner and respondent No. 1 had been fielded by Congress (Ruling) party with cow and calf as its symbol and the Samyukta Socialist Party with banian tree as its symbol, respectively. Out of the remaining 8 candidates, five namely, respondents 2, 5, 7, 8 and 9 were independents whereas respondents 3, 4 and 6 represented the Communist (Marxist), Bhartiya Kranti Dal and Congress (Organisation) Parties.

4. After the poll had been held on 5th March, 1971 the countings of the ballots were done on 10th March, 1971. Votes polled by respondent No. 1, which was the highest, were found to be 73,594 against his nearest rival this petitioner, who polled 73,046 votes; 5,692 votes were rejected. The votes polled by respondents 2 to 9 were 18,627, 26,776, 1,334, 19,580, 18,682, 69,387, 4,085 and 41,251, respectively. On 11th March, 1971 respondent No. 1 was declared elected in this election by the District Magistrate of Monghyr, who was its Returning Officer.

5. For the counting of votes the new procedure, as prescribed by the Election Commission, was followed. The counting was done Assembly constituency-wise in a separate segment. In each segment there were 15 counting tables, each of which was manned by two counting assistants and one counting supervisor. Close to those tables in the segment, there was the table of the Assistant Returning Officer assisted by some staff. First the ballots in the different ballot boxes were taken out on the counting tables and arranged into bundles of 25 each. Thereafter, those bundles were sent to the concerned Assistant Returning Officer, who would mix them in a drum. After being so mixed they were sent back to the counting tables where they were sorted out candidate-wise and consigned to the 10 different cages (*khanas*) provided for the 10 contestants and the doubtful ballots were consigned to the 11th cage meant therefor. After having done so, the counting staff took out those ballots from the different cages and made them into packets of 50 each and returned them back to the table of the Assistant Returning Officer with the necessary entries in the relevant forms. The counting on 10th March, 1971, had commenced at 8 A.M. and continued till conclusion

6. The petitioner seeks to challenge the election of respondent No. 1 in this election on the following allegations. The new procedure of scrutiny and counting of votes being quite strenuous and tiring left no control of the processes in the hands of the authorities concerned. The lighting of the counting segments lacked proper arrangement and due to loose electric fittings there was frequent failure of electricity therein. Taking advantage of this the counting staff were fully privileged to show partially to respondent No. 1 by counting and putting votes of other candidates in his favour. Several unauthorised and undesirable persons, who had been working for respondent No. 1, managed to force their entry into the counting segments and created confusion. Not only that, they also manoeuvred the counting staff and illegally managed to increase the number of votes in favour of respondent No. 1 resulting in petitioner's defeat, even though as an old Congress worker she commanded the majority support of the voters. The counting staff, during the counting, indulged in several illegalities of the following nature which had resulted in bolstering up the number of votes counted in favour of respondent No. 1.

7. Several ballot papers were removed and destroyed. As would be borne from Form 16 wherein the number of ballot papers issued by the Presiding Officers differs from the number of counted ballot papers; several ballots which had clear seal on her symbol or on her name were illegally and improperly rejected; the counting staff took out several ballots of the petitioner and mixed them up with the doubtful ballot papers and without paying any heed to the objections raised by the counting agents of the petitioner went on rejecting them mechanically by putting rejection seal on their back; a large number of ballot papers which were fit to be rejected were illegally counted in favour of respondent No. 1; ballot papers having seal on more than one symbol or seal on the shaded area or seal on the back of the ballot papers or having no seal or having no official seal on the symbol of respondent No. 1 were illegally counted in favour of respondent No. 1; a large number of ballot papers bearing no signature of the Presiding Officer or identifying mark on the back of the ballot papers because they had been placed in the ballot boxes illegally by controlling the booths which were fit to be rejected were counted in favour of respondent No. 1; several bundles of ballots having less than 50 ballots in them were counted in favour of respondent No. 1 as bundles of 50 ballots each; even several bundles of the ballot papers of the petitioner were illegally mixed and transferred to the bundles of the ballots of other candidates including respondent No. 1. As a result of these illegal and improper scrutiny and counting of the ballot papers about 3,000 ballots, which were either fit to be rejected or were of other candidates, were counted in favour of respondent No. 1, and about 1,000 ballots, which should have been counted in favour of petitioner were illegally rejected and thereby the result of the election was materially affected.

8. The counting of ballot papers commenced from 8 A.M. on 10th March, 1971 and continued till 3 A.M. on 11th March, 1971 without changing hands. Moreover the counting was done in such haste that the counting agents on the different counting tables were unable to properly look into many of the ballot papers counted, nor their objections were being headed by the counting staff. If the ballot papers had been counted in accordance with law and without partiality the petitioner was sure to have received majority of valid votes and declared elected.

9. This election petition has been contested by respondent No. 1 only. In his written statement filed in the case he has challenged the maintainability of this election petition on the ground that the averments made in it are imaginary and baseless and also because it does not contain the concise statement of material facts on which the petitioner relies. While asserting that the scrutiny and counting of ballot papers had been done fully in accord with law he has seriously refuted her allegations of commission of the alleged irregularities and illegalities therein. The process of counting, according to him, was neither strenuous nor uncontrolled and the lighting arrangement was quite adequate without any chance of failure of electricity. Besides electricity, there was also adequate arrangement of lighted petromaxes to meet any emergency. There was never any intrusion in any of the counting segments by any unauthorised or undesirable person because of the tight security arrangement throughout the counting and her allegation about such an intrusion resulting in the increase of his votes in mischievously false. Her estimate of her popularity as also of her party in the area was wholly misconceived and being of another constituency the voters concerned always treated her to be stranger to the place and were not prepared to won her due to lack of any public work on her part in this constituency. On the other hand, he (respondent No. 1) belongs to this constituency and has been serving it since the beginning of his political career in 1930. He had also been quite known to the voters being a teacher in this area for quite a long time. He has emphatically denied the aforesaid instances of illegality in the scrutiny and counting of votes as made in the election, petition

and described them as being quite vague and indefinite having been made with he sole purpose of any how getting an opportunity of re-scrutiny of the ballot papers for the purpose of fishing out materials to fill up lacuna in the election petition. During the whole period of scrutiny and counting of ballots, which had admittedly lasted for a number of hours, no objection was ever raised by the petitioner or her counting agents on the allegations of irregularity therein and that her allegation of oral objections having been raised by her countnig agents and their not being heeded to, is entirely false made for the purpose of the case. His assertion further is that all the scrutiny and counting of ballos, from beginning to end, had been effected in a regular and proper manner and he had to be declared elected in the election having secured the largest number of valid votes. He has seriously refuted her allegation that as a result of such illegalities in the counting about 3,000 irregular votes had been counted in his favour and about 1,000 of her valid voter had been rejected.

10. On the above assertions his (respondent No. 1's) prayer is that the election petition should be dismissed with costs in view of the fact that the petitioner has miserably failed to make out a case that she had secured more valid votes than him and has not furnished any tangible material to entitle her to be declared elected.

11. On the pleadings, the following issues have been framed for decision.

*Issues*

1. Is the Election Petition, as framed, maintainable?

2. Has there been non-compliance of the provisions of sections 81 and 83 of the Representation of the People Act, 1951? If so, what is its effect on the Election Petition?

3. Was there any irregularity/illegality in the counting or scrutiny of the ballot papers, as alleged in the Election Petition?

4. Did the petitioner receive majority of valid votes? If so, is she entitled to be declared as elected?

5. To what relief, if any, is the petitioner entitled?

*Findings*

*Issue No. 1.*

12. This issue was not pressed for discussion during arguments in the case. Mr. Shyama Prasad Mukherji, learned counsel for the contesting respondent No. 1, agreed that on the fact of it the election petition, as framed, was maintainable, and accordingly, he did not make any submission about this point. This election petition has been presented under sections 80A and 81 of the Representation of the People Act, 1951 (hereinafter referred to as the Act). The election petitioner has prayed for two reliefs. One is to declare the election of the returned candidate (respondent No. 1) as void and the second is to declare her (petitioner) to be duly elected to the Parliament from this constituency on the ground that she had secured majority of valid votes.

13. The invalidation of the election of respondent No. 1 is claimed because of the improper reception of a large number of void votes in favour of respondent No. 1 and also rejection of a number of her valid votes. Such reasons are included in the grounds for declaring an election to be void under section 100 of the Act. In the circumstances, no defect in the form of the petition, as it has been framed, is discernible. Accordingly, the election petition, as framed, is held maintainable, and this issue is, accordingly, decdied.

*Issue No. 2.*

14. On behalf of the respondent it has been strenuously urged that the election petition completely lacks the compliance of the provisions of sections 81 and 83 of the Act and the result of this failure is inevitable dismissal without going into the merits of the allegations made therein. To elaborate this contention, learned respondent's counsel, has urged that the election petition does not contain a concise statement of the material facts relied upon by the petitioner as enjoined under section 83(4) of the Act. So also, the verification in the manner provided by clause (c) of this section is significantly lacking. Both these defects, accordng to counsel, are fatal for the election petition and it has got to be summarily dismissed without any probe into the truth or otherwise of its allegations.

10. On the above assertions his (respondent No. 1's) been refuted by the other side. According to her counsel, from a perusal of the election petition one can easily get convinced that it does not in any way suffer from the non-compliance of section 81 or 83 of the Act, and those requirements have been substantially complied with. Morever, even if it be assumed for a moment that there has been some lacuna in it in this connection, that by itself could not make the election petition liable to dismissal because the dismissal of the election petition under section 86 of the Act is to result from its non-compliance with the provisions of section 81 or 82 or section 117 and not of section 83.

16. On the available facts, the above contentions of the respondent on this point do not appear to be well founded. Under Section 81 an election petition calling in question any election is to be presented on one or more of the grounds specified in section 100(1) and section 101 of the Act. This election petition, as already observed, has been filed on the allegations that number of invalid votes had been improperly received for the returned candidate as also that a number of petitioner's valid votes had been rejected which had materially affected the result of the election. She has also claimed to be declared duly elected in this election because she had received majority of the valid votes. These grounds are well covered within sections 100 and 101 of the Act.

17. In the body of the election petition the different modes of alleged improper reception of invalid votes and rejection of petitioner's valid votes have been recited in paragraph 12 to 21. No doubt, in those paragraphs the numbers of ballot papers relating thereto have not been specifically stated and in its place their consolidated figures have been sought to be set out in paragraph 23 by saynig that the number of improperly received votes were about 3,000 and those rejected improperly were about 1,000. As these recitals stand, it is not easy to thing that they are to be treated as subsantially falling short of the requirement of section 83(a), requiring its summary dismissal.

18. On the question of affidavit also, the election petition does not seem to suffer from any such defact as to entail its dismissal for that reason. Clause (c) of section 83 enjoins that the election petition shall be verified by the petitioner in the manner laid down by the Code of Civil Procedure for the verification of pleadings. Under Order 6 Rule 15 of the Code of Civil Procedure every pleading is required to be verified at the foot by the party or some other person provd to the satisfaction of the court to be acquainted with the facts of the case and the person verifying shall specify, by reference to the number of paragraphs of the pleadings, what he verifies from

his own knowledge and what he verifies on the information received and believed to be true. Such verification is also required to be signed by the person making it with date and place. In the verification of the election petition, which is by the petitioner herself, it is noticed that the above requirements of verification are duly complied with. She has specifically stated as to the contents of which paragraphs are true to her knowledge and which are based on the information received from her counting agents which are believed to be true. In the latter case, because she has not said in so many words that the contents of those paragraphs based on information of her countnig agents are believed "by her" to be true is not so material for the purpose and on that account it is difficult to read any defect in her verification of the petition as required.

19. On the above facts, it is thus manifest that the election petition cannot be treated as suffering from defects of non-compliance of the provisions of sections 81 and 83 of the Act necessitating its dismissal at the very threshold without examining its merit on the evidence already gone into. Now that both sides have produced their evidence they will have to be necessarily examined to find out the truth or otherwise of the case made out in the election petition before deciding to allow or dismiss it. Any attempt to have it dismissed summarily at the stage is obviously misconceived and cannot succeed. Moreover, as already noticed, it does not also suffer from the defects under sections 81 and 83 for which its such dismissal is canvassed.

20. For the above reasons, there hardly seems any merit in the above contentions addressed for the respondent and they must be rejected. They are, accordingly, negatived, and this issue is answered for the petitioner.

*Issue No. 3.*

..21. Before I take up consideration of this issue, it is relevant to point out that learned counsel of both sides have adopted their arguments in this regard which they had advanced when the question of inspection of ballot papers of respondent No. 1 at the request of the petitioner was being considered. When the evidence of the petitioner had concluded in the case on 14th December, 1971, she petitioned the Court for allowing her inspection of the ballot papers of respondent No. 1 and also the rejected ballots, and in the alternative to allow her inspection of his (respondent No. 1's) ballot papers of two segments, namely, Khagaria and Ballia, and the rejected ones. Her prayer in that regard was, however, kept in abeyance till the evidence of the other side was also gone into. When respondent's evidence was also over, the prayer for inspection was renewed and the parties argued the matter at length and in my elaborate order dated 20th January, 1972 I rejected that prayer of inspection. The petitioner wanted time to move the Supreme Court against that order, but subsequently, as I was informed, she did not go to the Supreme Court against it, whereafter arguments in the main case, which were of brief duration because both sides said that they had already argued these points in details while considering the question of inspection of ballots and they adhere to those arguments were made. The petitioner's counsel, Mr. K. P. Varma, went further to say that he had not now much to argue in view of the fact that his prayer for inspection of ballots by which method his client wanted to brnig on the record the best evidence on the point in the shape of illegal ballots which had been counted in favour of respondent No. 1 and rejection of her valid votes which had attributed to his succes in the election had not prevailed with the Court and whatever other evidence there are they are already on the record and he had made his submissions about them and had hardly anything further to add to those arguments.

22. Petitioner's allegations in this behalf are contained in paragraphs 12 to 21 of the election petition. They set out a number of serious irregularities on the part of the counting staff which they are said to have indulged while scrutinising and counting the ballot papers leading to improper reception of a number of invalid votes in favour of the returned candidate (respondent No. 1) and rejection of a number of valid votes of the petitioner. These illegalities, as the petitioner's evidence stands, were committed at the second stage of the counting when the ballot papers were scrutinised and counted candidate-wise. The gists of these illegalities have already been incorporated while setting out the facts of this case in this judgment (paragraphs 6 and 7). Though in the election petition the number of votes involved in any of these alleged irregularities has not been separately assessed but in paragraph 23 the case made out is that because of such illegal and improper scrutiny and counting of ballot papers about 3,000 ballot papers, which were either nt to be rejected or were of other candidates, were counted for respondent No. 1 and about 1,000 valid ballots of the petitioner, which should have been counted in her favour, were illegally rejected, thereby materially affecting the result of the election.

23. It is admitted case of both parties that in each of the six different counting segments situated side by side there were 15 counting tables and on each of those tables there was one counting agent each for the petitioner and respondent No. 1. It is also admitted that on each of the counting tables there were three counting staff consistnig of one counting supervisor and two counting assistants and that in each segment there was one Assistant Returning Officer along with some staff whose table was close to the counting tables.

24. The petitioner's evidence in this regard consists of her own (P.W. 23) testimony as also a number of her admitted counting agents. For the Khagaria Assembly segment, her witnesses are P.Ws. 1, 5, 6, 7, 9, 12 and 15 and for Ballia Assembly segment they are P.Ws. 3, 8, 10, 13, 14 and 18. P.Ws. 2 and 16 are her witnesses of the Parbatta Assembly segment and PWs. 4 and 20 relate to Alauli Assembly segment. For the Chautham Assembly segment her witnesses are P.Ws. 11, 17 and 19. She had not examined any counting agent in respect of Bakhri Assembly segment. Except P.W. 13 all these counting agents have stated the numbers of the counting tables to which they were attached during the counting. As her (P.W. 23's) case is she was not an eye witness to these irregularities in counting and her knowledge thereof is based on information derived from her counting agents. At one point, she (P.W. 23) has no doubt averred that when she was inside the Khagaria Assembly segment at 7 P.M. during the counting, she noticed the irregularity of counting of ballots bearing red ink stmap in favour of the candidate Kameshwar Singh on one table whereupon she put in her petition (Ext. 1) to the Assistant Returning Officer of that segment protesing against it. From the subsequent discussion it will, however, appear that there was not much substance in this petition and it was ultimately rejected or merit by the authorities.

25. Against the above evidence of the petitioner, on behalf of respondent No. 1 besides the respondent (R.W. 12) and his admitted election agent (R.W. 32) an equal number of his counting agents, who had represented him (respondent No. 1) on those counting tables during counting, have come forward to deny the allegations of commission of any of those alleged irregularities. Over and above these witnesses respondent No. 1 has also examined the six Assistant Returning Officers concerned (R.Ws. 2 to 7)

who have also made an emphatic denial of any such irregularity during the counting of any of the counting tables. The District Magistrate of Monghyr (R.W. 1), who was admittedly the Returning Officer in this election, has also deposed in the case for respondent No. 1.

26. Before I proceed to make detailed examination regarding the commission of these alleged specific irregularities in the counting of votes, I propose to deal with her general allegations regrading failure of electricity and forcible entry of unauthorised persons into the counting segments as also regarding control of booths resulting in counting of illegal votes in favour of respondent No. 1.

27. So far as the first allegation regarding failure of light is concerned, it is to be found in paragraph 12 of the election petition where it has been stated that there was no proper arrangement for light and the electricity often failed because of the loose wires being spread up in the field, and as such, the counting staff had full privilege of doing partiality by putting in and counting of votes of other candidates in favour of respondent No. 1. There is nothing in this paragraph or in any other part of the election petition to indicate, even approximately, the timings of those failures. In Court, through the mouth of witnesses concerned of the petitioner it has, however, been taken out that those failures had occurred twice. The first was between 9.30 to 10 P.M. and the second between 12.30 to 1.00 A.M.

28. On this question of failures of electric light in course of countings my attention has been drawn to certain statements of the two Assistant Returning Officers (R.Ws. 2 and 4) and the respondent No. 1's admitted election agent (R.W. 32) and the counting agent (R.W. 19) in Ballia Assembly segment. According to R.W. 2, the electric light had once failed in his counting hall for a period of 2-3 minutes, but that was after the counting had been completed. R.W. 4 has also admitted that so far as he remembers the electric light in his hall failed once between 10-11 P.M. when the counting was still in progress. In his (R.W. 4's) estimate also the duration of that failure was 2-3 minutes. Though R.W. 19 has not specifically admitted about any such failure, his statement is that it was possible that at times there were failures of electricity in his segment. According to R.W. 32, as far as he remembers, in Ballia segment electricity had failed for a minute or two but that failure was after the counting in Parbatta segment was over. These admissions on this point are, however, quite insufficient to support the petitioner's allegation on this point. At the most, they show that during the counting in those segments electric light had failed once, but it was of a most transitory nature lasting for 2 to 3 minutes only. How could the counting staff be expected to be able to achieve their alleged partial objective in favour of respondent No. 1 by counting the votes of other candidates in his favour within that short time. There is nothing on the record to conclusively prove that those Government servants, employed in the counting, were so briefed in favour of respondent No. 1 that as soon as there was failure of light of only 2 to 3 minutes duration they immediately availed of it to count the votes of other candidates for him (respondent No. 1) and consigned them to his cage.

29. Apart from the above fact, the probability of those counting staff embarking upon such a partiality in favour of respondent no. 1 taking advantage of the darkness in the segment due to failure of electricity is completely eliminated when the fact of the segments having an alternative adequate lighting arrangement from before sunset till the conclusion of the counting is taken into consideration. Evidence of reliable nature consisting of the sworn testimony of the Assistant Returning Officers as also other witnesses of the respondent are on the record to show that the authorities had kept sufficient number of burning petromaxes/daylights in each of the counting segment from before sunset and that they were always there throughout the countings from that time till the end. The making of such an arrangement on the part of the authorities was only natural because they could not be absolutely sure against any failure of electric light during the whole counting. Even in the evidence on behalf of the petitioner, there is no complete denial about the presence of such lights in the segments. R.Ws. 2, 3, 10, 14, 17, 19 and 20 have admitted the bringing of such lighted petromaxes or daylights with a rider that their help was sought to meet the failure of electricity which had already occurred. Similar suggestion had been made to respondent's witnesses examined in this connection saying that those lights had been brought into the segments when the electric light had failed for the first time between 9.30 to 10.00 P.M: and not before the sunset. P.Ws. 1, 6, 7, 9, 11, 12 and 15 have admitted the presence of only one lighted petromax by the side of the Assistant Returning Officer in the segment at the time of failure of electric light. It is also noticed that the evidence of the P.Ws. on the point or counting of ballots of other candidates for respondent no. 1 are not quite consistent. According to P.Ws. 7, 8, 9 and 10, in the darkness resulting from the failure of electric light the counting staff put the ballots in their hands into the *khanas* of other candidates whereas, according to P.Ws. 11, 12 and 13, they had been consigned to the *khana* of respondent no. 1.

30. On a consideration of the above facts, the petitioner's case about the failure of electric light in the segments resulting in showing of partiality by the counting staff to count votes of other candidates in favour of respondent no. 1, as set up, appears to be wholly without merit and must be discarded.

31. Coming to the allegation of forcible entry by several unauthorised and undesirable persons into the counting compartments, as contained in paragraph 13 of the election petition, it also stands unsubstantiated by the evidence on record. In the election petition there is no such allegation that the authorities had not made security arrangement for guarding the different counting segments at the time of scrutiny and counting of votes. All that has been alleged in paragraph 13 is that when the counting was going on several unauthorised persons entered into the segments and created confusion and manoeuvered the counting staff to increase the number of votes of respondent No. 1 resulting in the defeat of the petitioner. In Court, however, in the evidence adduced by the petitioner, the guards in the counting premises are said to have been absent from 2 P.M. on 10th March, 1971 (counting day) facilitating those alleged entries of unauthorised persons. It is understandable as to how the security guards which were there from the very start of the counting would have suddenly disappeared from the scene from 2 P.M. giving a free hand to outsiders to go into the counting compartments and create confusion. The significance of putting that time, i.e., 2 P.M. for the discontinuance of the security arrangements, which the authorities had made for guarding those premises, is not at all intelligible, particularly when the evidence shows that the scrutiny and counting had not till then (2 P.M.) ended but was still continuing and continued thereafter for several hours till late night.

32. The absence of the security arrangement from 2 P.M. and onwards, as averred in the evidence of not only by the respondent's counting agents exapetitioner's witnesses, has been emphatically denied mined in the case but also by the six Assistant Returning Officers (R.Ws. 2 to 7). According to them, the adequat security arrangements as made on that day had continued in the same measure till the end and there was never slackening of it during the entire counting period which, as observed above, had continued till late in the night. In this connection, it will be useful to refer to the evidence of the Subdivisional Magistrate, Khagaria (R.W. 5), who had also worked as the Assistant Returning Officer in

Parbatta Assembly segment. As he has given out, as the Subdivisional Officer of the Subdivision, he had got prepared six counting halls, each of which measure 90 ft. 60 ft. and all which were covered and enclosed; around those counting enclosures there was barbed wire fencing 8 ft. nigh on all sides with 16 wooden poles at the distance of 20 ft. from the enclosures; in that barbed wire fencing there was only one gate for coming in and going out; that barbed fencing was guarded by lathi constables and armed force numbering about 40 and 20, respectively; at that fencing gate there was deputation of one section of armed force consisting of one havildar and 4 sepoys; over and above that barbed fencing there was another barbed fencing having small gate where ballot boxes were kept before being brought to the counting segments and on that gate also there was guard of one section of armed force consisting of one havildar and 4 sepoys besides one Magistrate. His evidence further is that any outsider in order to come to the counting enclosures must pass through those gates and at the very first gate he would not be allowed to enter the barbed fencing unless he had shown his pass issued by the authorities authorising him to enter the counting enclosures and that all through the counting from begining to end constant vigil was maintained by the police guard consisting of lathi and armed force with Officers posted all round the barbed wire fencing; the Assistant Superintendent of Police along with his subordinates was also camping and supervising the law and order position in the counting premises all through the counting and that there was no relaxation of the security arrangement at any time from 7 A.M. on 10th March, 1971 till the despatch of the ballot boxes containing counted ballots and other statutory packets to Monghyr which had been done at about 4 A.M. on 11th March, 1971. He has seriously refuted the suggestion that from 2 P.M. and onwards on 10th March, 1971 there was no guard at the above gates or inside the counting premises and that during those periods any outsider could come into the counting enclosures without any difficulty. His evidence also contains unequivocal denial of any forcible entry of any outsider into any of the six counting segments at any time during the counting and creation of rowdyism. According to him, if there was any such incident in the other five segments, being incharge of the law and order as the Sub-divisional Magistrate, he would have been informed of it but there was no such information received by him. I have already referred to the denial by the other five Assistant Returning Officers concerned of any such incident in other counting encloures. The District Magistrate (R.W. 1) has also denied to have received any report of any such incident. It there was any such illegal entry of unauthorised outsiders creating chaos and confusion in the segments, as alleged, it was only natural that the local authorities must have reported it to him (R.W. 1) as incharge of the district. Even if there was an omission on the part of the local authorities to bring this fact to his (R.W. 1's) notice the petitioner would have never failed to do so because of the seriousness of the matter which was bound to affect the result of the election. But nothing like this seems to have been ever done from her side.

33. On the basis of above facts, I am not in the least inclined to believe in this allegation of the petitioner. On the other hand, in the circumstances of the case I am inclined to think that this plea has been set up just for the purpose of this election petition without any truth even though there was never any incident of forcible entry into the counting segments of unatuthorised persons during the whole period of counting. When her case in this behalf is disbelieved, her connected allegation that due to such entry the counting staff were manoeuvred to illegally increase the number of votes in favour of respondent No. 1, resulting in the petitioner's defeat stands self-condemned and most be discarded.

34. Petitioner's allegation regarding forcible seizure of ballot papers by controlling the poling booths by the men of respondent No. 1 is contained in paragrapn 19 of the election petition. As this allegation stands, it is of general nature where it has been said that by controlling the booths a large number of ballot papers bearing no signature of the Presiding Officers or the indentifying marks were put into the ballot boxes and were counted for respondent No. 1, though they were fit to be rejected. During the hearing, this allegation has been related to only two booths, namely, booth No. 94 situated in Shyamlal Rashitriya Uchа Vidayalaya, Khagaria and booth No. 111 located in Kanya Pathsal, Malhipur. For the first booth (No. 94), her witnesses are Deokinandan Prasad and Bindeshwari Prasad Verma (P.Ws. 1 and 13, respectively). Both of them were her counting agents in this election. According to P.W. 1, when he was at booth No. 94 at 11.30 A.M. when the polling was going on, he noticed sudden arrival of some 20 to 25 persons who snatched away ballot papers from the Presiding Officer and put them into ballot box after stamping. The statement of P.W. 13 is on the same line. According to him, after having cast his vote at his village booth he went to booth No. 94 at 3 P.M. where he found many persons having surrounded the Presiding Officer and snatching away ballots from his hands and putting them into the ballot box. The distance between his (P.W. 13's) village and booth No. 94 was admittedly about two miles. There is nothing to show that he (P.W. 13) had any special work at booth No. 94. In such a circumstance, it is not quite understandable what led his (P.W. 13) to go to booth No. 94 covering that distance after finishing his polling in the village.

35. It is, however, difficult to rely upon the above statements regarding controlling of booths by P.Ws. 1 and 13 in the face of categorical denial on oath of the Presiding Officer concerned Keshari Kishore Prasad (R.W. 22). He (R.W. 22) is a teacher in a Government school and was undisputedly the Presiding Officer at booth No. 94 during this election. He has sworn his testimony before the Court to deny the taking place of any such forcible voting by outsiders after controlling the booth. He has further disclosed that polling at this booth was throughout peaceful and there was never any ugly incident and that after the close of the poll he had submitted his usual diary reporting about peaceful poll. On behalf of the respondent this diary was called for but the District Election Officer could not send it to court because they had not been able to trace it out. There is nothing in his (R.W. 22's) cross-examination on whose basis his denial in this behalf can be doubted. If here was any such incident of forcible seizure of ballot papers by outsiders it was bound to be reported against by the Presiding Officer (R.W. 22) to higher authorities for necessary action. If he (R.W. 22) had tried to suppress it and reported peaceful polling to take credit for himself, as suggested by the petitioner, there must have been some report from her (petitioner's) side in that regard to the concerned authorities. But nothing like this seems to have been done by her. On the other hand, as it appears, she kept quite in the matter and not only allowed the poling to be over without any report but did not whisper any objection thereto at the subsequent stages till the result was out declaring her defeat. It is for the first time that she alleged a case to that effect in her election petition and its reason is not far to seek. The possibility of any such forcible seizure of votes from the Presiding Officer is further fodded by the fact that his (R.W. 22's) evidence clearly indicates that at that booth there was sufficient police force besides the usual armed patrolling party which was always moving round to ensure peaceful polling.

36. Coming to booth No. 111 (located in Kanya Pathsala, Malhipur), petitioner's witnesses are P.Ws. 21 and 22 (Sheo Shankar Mehta and Gona Mahto). The former (P.W. 21) has said that as the polling agent of the Communist Party (marxist) candidate, Krishna Kant, he was present at the booth and when the polling was going on, a number of outsiders on behalf of the Socialist Party candidate Sheo Shankar Prasad Yadav (respondent No. 1) and other candidate Kameshwar Singh arrived there and forcibly seized votes from the table of the Presiding Officer and consigned them to the ballot box after stamping. His further statement is that against that illegal action he got a petition prepared by the Congress Party worker Gonar Mahto (P.W. 22) and filed it to the Presiding Officer raising protest. Though the original of that petition has not been brought on the record, but when they (P.Ws. 21 and 22) were in the witness box Annexure 5 to petitioner's petition dated 22nd November, 1971 was read over to them and they admitted that this was a copy of their above alleged petition which was filed to the Presiding Officer on that occasion.

37. It is significant to find that though this election petition was filed on 22nd April, 1971 there was not even a whispher in it about the filing of any such protest (Annexure 5) to the Presiding Officer. I have already referred to the most vague nature of the petitioner's allegation in this behalf in paragraph 19 of the election petition. According to P.W. 21, against this illegality protest had been raised also by the polling agent of Maharaj Singh and general public had also filed a petition to the Presiding Officer on that occasion. No attempt, however, seems to have been made to get that petition of the general public in Court. Admittedly he (P.W. 21) is literate and had signed this petition after it had been drafted by P.W. 22. It is then not easily understood as to how he was prompted to have that petition written out by him (P.W. 22) because there is no such case that at that time he (P.W. 2.) because there is no such case that at that time he (P.W. 21) was not himself in tion to draft it. He (P.W. 22) admits that out of those 20—22 persons who had indulged in this act of illegal voting he recognised 1 to 12 of them as they were all of his area (elaka), but it surprising that in the petition (Annexure 5) no name was mentioned of any of them and it was alleged therein that the act of illegal voting in that way was being done by 2 to 4 persons.

38. To counteract the evidence of the petitioner regarding the aforesaid forcible seziure and casting of votes by the other side, respondent has examined the concerned Presiding Officer Sarjoo Prasad Sah (R.W. 33) who is Surveyor-cum-Estimator. Besides him, two other witnesses, R.W. 21 (Dr. D. N. Prasad) and R.W. 23 (Narayan Prasad Yadav) have also come forward on his behalf to deny the taking **place of any such disturbance in this booth (No. III).** According to him (R.W. 33), the polling at his booth was throughout peaceful and there was never any such incident. He had also submitted his usual diary to the authorities reporting peaceful passing of the polling. The respondent had called for that diary but it has not been possible for the authorities to send it to Court on the ground that it had not been possible for them to trace it. His evidence further shows the presence of sufficient police force at the booth to maintain peace and also the usual patrolling party to move about in the area to guard against any disturbance during the polling. Dr. Prasad (R.W. 21) has given out that this booth and his residential house was separated by a *Katcha* road and he was all along at his house on that day as long as the polling continued and he never noticed any distribance at the booth on that day. Similarly, Narayan Prasad Yadav (R.W. 23) has asserted to have all along been present at that booth during the polling as he was incharge of issuing of slips to voters on behalf of respondent No. 1 (Sheo Shankar Prasad Yadav). There is nothing in their (R.Ws. 33, 21 and 23) evidence to discredit their testimony in this regard.

39. Besides the above evidence of the respondent there is also the testimony of the District Magistrate R.W. 1), which seeks to corroborate the absence of any such incident at these (booths Nos. 94 and 111) during this election. According to him (R.W. 1), he had not received any report regarding any such disturbance on those booths, and as he has disclosed, he had received only one report during the whole polling of this Parliamentary election and that was regarding a booth in Ballia Assembly constituency in which the poll was suspended and there was re-poll and that was also to the extent that the remaining votes were allowed to be cast. From this evidence of the District Magistrate it can well be inferred that if there was any incident of illegal casting of votes after forcibly seizing them from the custody of the Presiding Officers at these two booths it was bound to be reported to him for necessary action, as had been done in the above case where a re-poll to the extent required was effected.

40. On the consideration of the above evidence and circumstances I feel wholly disinclined to accept the truth of petitioner's allegation in this [illegible] forcible seizure and casting of votes
men of respondent No. 1 or any other candidate and it will not, perhaps, be incorrect to characterise her case on this point to be far from truth just to give strength to her election petition.

41. Adverting to the above specific irregularities in the counting of votes, which, as already mentioned, are alleged to have been committed when the counting staff were scrutinising and counting the votes candidatewise, they are referred to in paragraphs 15, 16, 17, 19, 20 and 21. To recapitulate, they were of the following order. Several ballots were removed and destroyed as would be apparent from No. 16 where the number of ballots issued differs from the number of counted ballots; several ballots having petitioner's clear seals on her symbol or on her name were illegally and improperly rejected; the counting staff took out several valid ballots of the petitioner and mixed them with the doubtful ballots and rejected them mechanically by putting rejection seal on them; a large number of ballot papers having seal on more than one symbol or on the shaded area or on the back of the ballot papers or having no seal or official seal on the symbol of respondent No. 1 were illegally counted in his favour; several bundles of ballots having less than 50 ballots in them were counted for respondent No. 1 as bundles of 50 each; several bundles of valid ballots of the petitioner were illegally mixed with the bundles of other candidates including respondent No. 1 In paragraph 24 of this judgment I have already referred to her witnesses, who are none but her counting agents of the different Assembly counting segments (except Bakhri Assembly segment, for which no witness has been examined), who have come forward to speak about the commission of these irregularities by the counting staff against her. If her evidence on this point is to be believed, it tends to show that there was illegal conspiracy among all the counting staff in the different counting segments to damage the petitioner's prospect with a view to help respondent No. 1 to win this election. As already noticed, the number of counting staff was fairly large and it consisted of one counting supervisor with two counting assistants on each of the 90 counting tables that had been spread in the six counting segments. Moreover, in each of those segments there was an Assistant Returning Officer assisted by separate staff, whose tables were close to the counting tables. There is no sufficient material on the record on whose basis such a conspiracy could be suspected on the part of the counting staff to jeopardise petitioner's interest during the counting. There is nothing to show their particular interest in respondent No. 1 to make them

interested in his welfare so as to secure his vistory by taking for such illegalities in the counting of votes to inflate his number and deflate that of the petitioner.

42. As their (P.Ws.) evidence stands, the illegalities so indulged in by the counting staff, were quite colossal and had continued for quite good time. It is then surprising as to how those counting agents of the petitioner thought of satisfying themselves by simply raising oral protests to them without caring to lodge any written objection with the Assistant Returning Officer concerned. Their plea that there was no use in raising any written protest in that behalf when their oral objections were of no avail with the counting staff is hardly convincing. In such a situation, if there was any such incident the normal reaction expected of them would have been to put in written protests against such highhandedness of the counting staff when they noticed that their oral objections were not cutting any ice wih those staff. No doubt, on behalf of the petitioner, certain petitions that she had put in alleging such illegalities in the scrutiny and counting of votes, have been brought on the record. But as the subsequent discussions will show, they are all of post counting period.

43. In the election petition there is no inkling of the number of votes, even approximately, involved in any of these irregularities specifically. All that has been said in this behaf in paragraph 23 of the election petition is that because of them about 3,000 ballots, fit to be rejected or of other candidates, were counted for respondent No. 1 and about 1,000 of her valid votes were illegally rejected. In the Court, however, from the mouth of her above witnesses attempt has been made to take out specific numbers under the different heads of these irregularities. It, however, becomes difficult to rely upon these figures when they are viewed in the background of their having been made from sheer memory after lapse of almost nine months after the counting. It would, no doubt, require any person to be possessed of extraordinary memory to remember these figures in so much detail and give them out in Court after such a long time, and I must say that what I saw of these witnesses in the witness box, I am not prepared to allow them the credit of such stupendous memory. It is interesting to note that except P.W. 19, all her other witnesses on this point admitted that at the time they had noticed these irregularities being committed by the counting staff, they noted their nature and number on a piece of paper, but they did not care to preserve those notes and allowed them to be lost only a few days thereafter (2 to 4 days). Md. Rashiuddin (P.W. 19) has admitted the availability of his that note in the pocket of his shirt left at his village home. No effort has, however, been made to get that note of this witness in Court, for reason best known to the petitioner. It is difficult to swallow the story of the loss of those notes within such a short time of their making because it has been taken out in the evidence of many of them (P.Ws. 1, 2, 3, 4, 8, 14, 17 and partly of P.Ws. 7, 10 and 20) that the petitioner had been informed of those details on that very day or within a day or two of the publication of the result which took place on 11th March, 1971. The natural inference, in such a circumstance, would be that either there was no such note prepared by them because there was no irregularity, as alleged, or if they had prepared such notes they have been purposely withheld on on the allegation of loss because they would not support their testimony as given out in this Court after nine months thereof from memory in which they have tried to set out their detailed number and nature.

44. As observed earlier, respondent No. 1 has produced before the Court all the six Assistant Returning Officers (R.Ws. 2 to 7), who have emphatically denied the allegation of any such irregularities during the scrutiny and counting of votes on the part of the counting staff. There is no dispute between the parties that the seats of these Asssistant Returning Officers were in the segments and their tables were quite close to the counting tables. No doubt, petitioner's witnesses have tried to make out a case that they had orally complained to those officers against the commission of those irregularities by the counting staff, but they (Assistant Returning Officers) also did not listen to them. They have, however, denied the making of any such complaint to them by these counting agents of the petitioner. It is not easy to believe the petitioners' witnesses on this point unless one can be pursuaded to think that they (Assistant Returning Officers) were also in the camp of respondent No. 1 and hostile to the petitioner so as to ignore those complaints made by her counting agents. There is no material on record to give rise to any suspicion against them (Assistant Returning Officers), who were all responsible Government Servants holding responsible positions. Even in the matter of political stature the petitioner appears to be higher in that prior to this election she had already contested five Assembly elections and won four of them. She had also been a Minister in the State Cabinet for a period of about four years. Against this, respondent No. 1 is said to have been a school teacher. In that background, they (Assistant Returning Officers) could not be said to have any reason to be overawed by his (respondent No. 1's) personality as to be bias in his favour and act against the interest of the petitioner in this matter.

45. The authenticity of the figures, as given out in the evidence of these counting agents (P.Ws.) of the petitioner, also becomes doubtful when those numbers are compared with their corresponding numbers in the result sheets (Exts. B series) which were, in due course of business, prepared by the authorities to note down the results of the counts after they were completed. There is no such case that the figures in these result sheets were not correctly noted. In fact, there has been no challenge of the correctness of these result sheets. To illustrate this point, I may first refer to the Assembly segments of Khagaria and Ballia. According to P.W. 1, the votes secured by the petitioner and respondent No. 1 in his segment were 1030 and 1480, respectively, whereas in the result sheet (Ext. B/5) these figures are 1186 and 1289. Similarly, P.W. 5 has given these numbers as 900 and 1100 whereas in the result sheet (Ext. B/5) they are 816 and 212. Again, in respect of the three candidates, B. K. Azad, Satish Prasad Singh and S. K. Mishra, the votes secured, according to P.W. 6, were 1296, 436 and 3 whereas, according to the result sheet, they were 1644, 232 and 14. P.W. 12 has given the number of votes polled by the petitioner and B. K. Azad on his table to be 800 and 600 whereas the result shhet shows them to be 657 and 827. In the same way, the number of doubtful rejected votes has been given by P.W. 7 to be 55 whereas it is 27 in Ext. B/5. P.W. 9 has said the figures under this head on his table to be 10-12 but Ext. B/5 shows it to be 41. In the case of Ballia Assembly segment, P.W. 8 has given the figure of doubtful rejected votes on his table to be 5 or 7 but the result sheet (Ext. B/2) recites its number to be 36. Similarly, P.W. 13 has given these figures on his table to be 2 whereas in the result sheet (Ext. B/2) it is 38. Similarly the Alauli Assembly segment the total number of votes secured by the candidates B. K. Azad and Kameshwar Singh, as given out by P.W. 20 for his table, are 139 and 26 whereas in the result sheet (Ext. B) these figures are indicated as 717 and 70.

46. Moreover, in paragraph 23 of the election petition the total number of petitioner's valid votes which were illegally rejected by the counting staff is stated to be about 1,000 and those of illegal and improper votes which had been counted in favour of respondent No. 1 was about 3,000. If the figures deposed by her witnesses in this regard are totalled up it is found

that they are much behind those figures of the election petition. The total of the specific rejected votes, as given by those witnesses, comes to 59. No doubt, P.Ws. like Nos. 9, 10 16 and 19 have not given any specific figures under this head, but they have left it vague by using the expression "some rejected votes". Even in the context of such evidence it would perhaps be wrong to infer that the total of those "some rejected votes", as deposed by them, would be no much as to make up the grand-total along with the above 59 to be about 1,000. In the same way, the total of specific illegal and improper votes, as given by her witnesses, is 1492 besides the statement of her some witnesses, like P.Ws. 8, 9, 10, 13, 14, 15, 16 and 19, who have given out the numbers of such votes to be "some". It will not, perhaps, be correct to take the total of those "some", votes as given by these witnesses, to be about 1,500 to make up their grant-total of about 3,000.

47. On the day of counting the petitioner (P.W. 23) admits to be staying in the Khagaria Inspection Bungalow, which was at about one mile from the counting premises according to her, whereas according to her another witness (P.W. 16), this distance would be about 400 yards. She (P.W. 23) has admitted that on 11th March, 1971 at about 2.30 or 3 A.M., when she was in the Khagaria Inspection Bunglow, her counting agents Pramod Tanti and Awadh Poddar (P.Ws. 8 and 3) and two other counting agents, whom she did not particularly mark as she was in hurry, came and informed her regarding the commission of a lot of irregularities in the counting in their segments, upon which she rushed to the place of the Sub-divisional Officer of Khagaria and filed a petition (Ext. 1/a) to him; he (Sub-divisional Officer), however, told her that he was not gonig to do anything on that petition and that she should approach the Returning Officer about it, whereafter she returned to the Inspection Bungalow where she met her other agents Deokinandan Prasad and others who also told her about the commission of a lot of irregularities in their counting segments and then she left for Monghyr by the first steamer and filed her petition (Ext. 1/b) to the District Magistrate who was the Returning Officer but he rejected it and when he wanted to say something further he (District Magistrate) stopped her saying 'no argument'.

48. The Sub-divisional Officer of Khagaria is before the Court as R.W. 5. He had worked as the Assistant Returning Officer in connection with this Parliamentary election in Parbatta Assembly segment. He has denied in clear term the filing of this petition (Ext. 1/a) before him, and there is nothing to doubt this denial. In fact, the filing of this petition before him is admitted by the Deputy Collector Mr. Bishwanath Tiwari (R.W. 4) who had, during this counting, worked as the Assistant Returning Officer of Ballia Assembly segment. He has also proved his endorsement (Ext. 1/c) on it to be in his pen. As he (R.W. 4) has given out, this petition was filed before him after the counting in his segment had been completed and not during the counting. According to him, he did not try to dispose of this petition because the counting having been completed, earlier he did not consider himself competent to order recounting, and that it was addressed to the Assistant Returning Officer, Khagaria Parliamentary Constituency while he (R.W. 4) was the Assistant Returning Officer of Bllia Assembly segment. It may be relevant to refer here to the provision of sub-rule (6) of rule 63 of the Conduct of Elections Rules, 1961, according to which, Assistant Returning Officer, which is included in the definition of Returning Officer, is forbidden from entertaining any application for recounting after he has completed and signed the result sheet in Form 20. It is further significant to find that this petition does not bear the signature of the petitioner in original, but it is to the effect "S/D Sumitra Devi". In this petition there is no mention of any specific mistake but it simply alleged in a vague way that there was much mistakes in the counting votes in Ballia segment and the difference was very minor, and accordingly, recounting of votes of this segment was prayed for before the result was declared. From the result sheet of Ballia Assembly segment (Ext. B/2) it would, however, appear that the difference between the votes of the petitioner and respondent No. 1 was quite marked and not minor in that respondent No. 1 had polled 25,864 against petitioner's 13,284. On the very face of it, the allegations in this petition were very vague and did not contain any allegation of specific irregularity. As already referred to, before filing this petition she had been informed about the commission of those irregularities in the counting by some of her counting agents in some detail. But it is unexplainable as to how she failed to recite any of those irregularities specifically in this petition filed to the authorities thereafter.

49. As he (R.W. 4) has disclosed, having been unable to take any action on this petition of recounting because of the counting having been already completed, he took this petition (Ext. 1/a) to Monghyr on 11th March, 1971 when he went there on the truck which was carrying the counted ballots to Monghyr and made it over to the District Magistrate personally there. From the subsequent discussions it will be seen that the District Magistrate had dealt with this petition and rejected it on merit alone with two other petitions of the petitioner that he had received.

50. Ext. 1 dated 10th March, 1971 is another petition which the petitioner (R.W. 23) avers to have filed to the Assistant Returning Officer of the Khagaria Assembly segment during her visit to that segment that day at 7 P.M. As she (P.W. 23) has given out, she had filed it as she happened to see herself irregularity in counting consisting of counting of ballots bearing stamp in red ink in favour of the candidate Kameshwar Singh on one table. It (Ext. 1), is said to be in her pen and sginature. In this petition (Ext. 1), which was addressed to the Deputy Election Officer (Up Nirwachan Padadhikari), Khagaria, Monghyr an office which did not exist, she alleged that during the third round of counting on table No. 1 she had noticed seals in two different inks, red and blue, having been used on ballot papers and that red ink seals had been used only on the votes polled in favour of the candidate Kameshwar Singh. On this allegation, she requested for enquiry into the matter averring that on that booth one person had put all the ballots in the box after stamping them. As the allegations in it stood, they were all quite vague and indefinite in nature in that neither the total number of such ballots or the serial number of any of them was indicated. The Assistant Returning Officer of Khagaria Assembly segment was Shri R. C. P. Verma (R.W. 7). He has admitted the filing of this petition before him on 10th March, 1971, by the petitioner Srimati Sumitra Devi. His statement, however, is that, as this petition was not addressed to him but it was addressed to *Up Nirwachan Padadhikari* and it did not contain any allegation of material irregularity, he forwarded it to the Returning Officer, Monghyr under his forwarding note Ext. C. His further statement is that he had verified the allegation of this petition and informed the petitioner Srimati Sumitra Devi that two types of ink, as mentioned in it, had been provided by the Election Commission for use of the Presiding Officers at the time of polling. In this connection I may refer to the evidence of R.W. 22 (Keshari Kishore Prasad) and R.W. 33 (Sarju Prasad Sahu), who had been employed as Presiding Officers at the time of poll in connection with this

Parliamentary election on booth No. 94 in Khagaria town and booth No. 111 in village Malhipur. Both these persons have indicated that two types of inks were supplied to them for use during the polling. The one used for affixing Presdiing Officer's seals on the ballots was in red and that used by the voters in stamping the ballots polled by them was in blue. A reference to the Hand Book for Returning Officers (1970), as published by the Election Commission of India, also mentions the ink tablets of two colours, namely, red and blue in the list of the polling materials to be supplied to the polling party (vide Annexure VIII). In such a circumstance, it is difficult to read any irregularity in this matter. It is probable that at the sight of red seals on them she suspected that they were spurious ballots and filed her above petition on that basis.

51. On the above facts, I am not prepared to concede that the concerned Assistant Returning Officer (R. W. 7) was very much in the wrong when he declined to hold an enquiry on that petition (Ex. 1), what to speak of recounting the votes. In the circumstances, his action in simply forwarding it to the Returning Officer cannot be commented against. From the subsequent discussion it will also appear that this petition had received due consideration at the hands of the Returning Officer (R.W. 1) who rejected it along with some other petitions that he had received on behalf of this petitioner.

52. The other petition of the petitioner is Ext. 1/b, which she had admittedly filed at Monghyr before the Returning Officer on 11th March, 1971. In this petition she alleged large irregularity in the counting of votes in the Ballia and Khagaria Assembly segments. She said that a number of votes which did not bear the signature of the Presiding Officers and wrong ballot papers had been counted in favour of the Samyukta Socialist Party candidate, by which she meant respondent No. 1. On these allegations she requested him to have the votes of those two segments recounted before declaring the result of the election. It is significant to mark that in this petition, which she had filed at Monghyr after whole counting in the different segments was over, she alleged irregularities only in respect of Billia and Khagaria segments. Their kinds also were only two in nature. Against this, the irregularities alleged in the election petition, as already shown, are of many other kinds. In the evidence adduced for the petitioner, they have also been specifically attributed to the other three sgments, namely, Parbatta, Alauli and Chautham also.

53. The Returning Officer (R.W. 1) had admitted the filing of above Ext. 1/b before him at Monghyr by Srimati Sumitra Devi, whom, as he says, he recognised from before. His evidence also shows receipt by him of the above other two petitions (Exts. 1 and 1/a). Ext. A is his (R.W. 1's) order sheet under whcih he had disposed of these three petitions. As this paper shows, he (Returning Officer), after due consideration of the allegations made in those petitions, had rejected them for which he assigned his reasons and did not concede to her prayer of recounting of any of the counting segments and declared the result of the election in due course. Under sub-rules (2) and (3) of rule 63, relating to recount of votes, of the Conduct of Elections Rules, 1961, a candidate or, in his absence, his election agent or any of his counting agents, is authorised to apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount, and on the making of such application, the Returning Officer is to decide the matter and he may allow the application either in whole or in part or may reject it in to if it appears to him to be frivolous or unreasonable. As I have already observed, the Returning Officer had rejected all these three applications regarding recounting treating them as being wholly without merit, by assigning reasons.

54. In the evidence of respondent No. 1's admitted election agent Kumar Indu Bhushan (R.W. 82), who is the Principal of a college, it has been stated that at the close of the counting of votes in the different segments the Assistant Returning Officers announced the result of the polling in their respective segment. His evidence further is that on those results it was found that his father (respondent No. 1) had led by 553 votes over his nearest rival Srimati Sumitra Devi. That there was such an announcement at the close of the counting also appears to be so from the evidence of the Assistant Returning Officers (R.W. 2 to 5). In this connection, it was argued with vehemance that there could not be any announcement of such results under rules, and a case sought to be made by respondent No. 1 to this effect in Court is not without purpose. It is difficult to accept this argument having regard to sub-rule (1) of rule 63 of the aforesaid 1961 Rules, which permits a Returning Officer, which includes Assistant Returning Officer, to announce the total number of votes polled by each candidate after completion of the counting and recording those results in the result sheet in Form 20. As the evidence of the District Magistrate (R.W. 1) indicates, he had received her above three petitions at Monghyr at about 10 A.M. on 11th March, 1971. From the statements of the six Assistant Returning Officers (R.Ws. 2 to 7) it appears that the actual counting of votes in all the segments were complete by about midnight on 10th March, 1971 and the other processes regarding building up of the counted votes etc. were also over soon thereafter. In such circumstances, the possibility of her having thought of filing the two petitions (Exts. 1/a and 1/b) on those allegations because by that time she had known to have almost lost the election having secured 553 votes less than respondent No. 1, cannot be eliminated.

55. The Sub-divisional Magistrate of Khagaria, who had also worked as the Assistant Returning Officer in the Parbatta Assembly segment (R.W. 5) has said that he recognised Srimati Sumitra Devi and she was mostly sitting by the side of his table during the counting and from time to time she used to go out of that counting hall but mostly she was with him in his (R.W. 5's) counting hall. From the statements of the other Assistant Returning Officers it also appears that during the counting she had been visiting those counting places from time to time. There seems no sufficient material to discredit their such evidence, Such a conduct on her part was also natural in view of the fact that she had not, admittedly, appointed any election agent, and as such could not allow the whole show of counting being managed and looked after by her counting agents only, particularly when, as the above figures of voting will show, her prospects of winning were not meagre.

56. The allegations of affixing of the rejection seals on the doubtful rejected ballots by the counting supervisors themselves on the counting tables, as testified to by the aforesaid petitioner's counting agents examined in the case have been seriously refuted by the above Assistant Returning Officers, who have given out on oath in unmistakable terms that on them they had themselves affixed the rejection seals and it was never done so by any of the counting supervisors. In fact, positive evidence, as given from the other side, is that the rejection seals were always in their (Assistant Returning Officers') custody on their table there could be no question of any counting supervisor trying to affix it on his counting table. The evidence, whose reliability cannot be doubted, has also come to prove that from the counting tables all the doubtful ballots were sent by the counting staff to the table of the Assistant Returning Officer where he used to scrutinise them and reject or accept them on merit after affording opportunities to different counting agents to attend the scrutiny and then affix the rejection seals on the rejected ballots himself on his table. Rule 56 A of the Conduct of Elections Rules, 1961, gives the grounds on which the ballot papers can be rejected by the Returning Officer. It further enjoins upon the Returning Officer to allow

the counting agents present reasonable opportunity to inspect the ballot paper before rejecting it. It also requires the Returning Officer himself to record his rejection of the letter 'R' and the grounds of rejection in abbreviated form either by his own hand or by means of a rubber stamp. In the face of his mandatory provision regarding affixing of rejection seal by the Assistant Returning Officer himself on the rejected ballot papers in the above way it cannot be believed, in the absence of convincing evidence which is definitely lacking in this case, that the Assistant Returning Officers would have allowed the counting supervisors to affix the rejection seals on the rejected ballots on their counting tables in clear violation of these rules.

57. In his concluding argument, learned counsel for the petitioner, argued that apart from the other evidence produced by her to prove her allegations of improper and illegal reception of votes in favour of respondent No. 1 and rejection of her valid votes which had materially affected this election, her case in this regard must be accepted as true if the recriminatory petition which respondent No. 1 had filed in this case is taken into consideration. In support of the submission, he has taken me through this recriminatory petition and also referred to certain admissions made by respondent No. 1 (R.W. 12) in his evidence in Court.

58. The above recriminatory petition was filed by respondent No. 1 on 7th October, 1971. In its affidavit, which was sworn by respondent No. 1 himself, the statements in the relevant paragraph 6 etc. regarding commission of irregularities in the counting were stated by the deponent to have been received by him from his election agent which he believed to be true. In his evidence in Court, R.W.12 (respondent No. 1) said that whatever he had stated in that recriminatory petition on the information received from his counting and election agents were correct.

59. Parties were heared on the above recriminatory petition and it was rejected as being time barred by the Court in its order dated 23rd October, 1971. Admittedly, respondent No. 1 moved the Supreme Court against that order, but subsquently the Supreme Court allowed him to withdraw that appeal and it was dismissed as withdrawn on 1st December, 1971.

60. In paragraph 6 to 11 of the recriminatory petition, respondent No. 1 alleged commission of several irregularities, reciting them, at the hands of the counting staff in favour of the petitioner. No doubt, those allegations in the recriminatory petition are similar to the alleged irregularities in the election petition. They were, however, alleged to have been committed for the petitioner whereas in the election petition the alleged irregularities are said to have been committed for respondent No. 1. It will thus appear that the scope of the two is quite contradictory to each other. If those allegations of the recriminatory petition are to be regarded as true which, according to petitioner's counsel, is to be treated as his admission of his case of commission of irregularities in the counting of votes, then they have to be considered as a whole and not in part. In other words, they cannot be separated as to be used in favour of the petitioner by way of his admission of her allegations in this behalf and leave the rest, namely, where those alleged irregularities are said to have been committed for the petitioner, out of present consideration. If they are taken in whole they would not appear to be helpful to the cause of the petitioner inasmuch as they are alleged to have been committed in her favour as to boost up the number of her votes. Moreover as already shown, the correctness or otherwise of those allegations in the recriminatory petition were not tested because it was rejected *in limine* being barred by limitation. On these reasons, I am unable to hold with the petitioner on this point, and, as the matter stands, I do not think the allegations made in this recriminatory petition can be available to her to substantiate her case in this behalf, to prove which, in the very nature of allegations, the onus heavily lies on her for seeking success in the election petition.

61. Thus, on a careful consideration of all the above evidence and attending circumstances, I have no hesitation to hold that the petitioner has singularly failed to establish her case made out in the election petition about the alleged commission of irregularities in the shape of improper reception of invalid votes by respondent No. 1 and also illegal rejection of her valid votes which had materially affected the result of the election. That being so, this issue is answered in the negative and decided accordingly.

*Issue No.* 4:

62. As already stated, the number of votes secured by respondent No. 1 was 73,594 and those by the petitioner were 73,046. This gave a lead of 548 votes to respondent No. 1 over her. These facts are not disputed. There is also no dispute that the other contestants in the field had secured less number of votes and that the nearest rival to respondent No. 1 in this matter was this petitioner having secured above votes. In view of my above findings, it is manifest that it has not been proved by the petitioner that those votes of respondent No. 1 included any improperly received or void vote. So also, she has failed to prove that any of her votes had been improperly refused or rejected. In the circumstances, both these numbers of votes received, namely, 73,594 by respondent No. 1 and 73,046 by the petitioner must beregarded as their valid votes, and on this showing the question of her having received a majority of the valid votes did not arise. Accordingly, her case that she had received majority of the valid votes is overruled and consequently, her claim to be declared elected in this election is also negatived. This issue is, accordingly, decided against the petitioner.

*Issue No.* 5:

63. As already noted, the relief claimed by her are to declare the election of the returned candidate (respondent No. 1) as void and to declare her to be the duly elected member of the Parliament from this constituency (31-Khagaria Parliamentary Constituency). On the above findings, it is, however, clear that she is not entitled to any of these reliefs. It is, therefore, held that she is not entitled to any relief in this election petition.

64. In the result, the election petition is dismissed with costs against contesting respondent No. 1 and without costs against the rest. Heraing fee Rs. 500/- (Rupees five hundred). Office will comply with the requirements of section 103 of the Representation of the People Act, 1951, without any delay.

(Sd.) C.P. SINHA.

Patna High Court.
*The 8th March*, 1972.

[No. 82/BR/2/71.]

*New Delhi, the 31st May* 1972

**S.O. 2113.**—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission in consultation with the Government of Himachal Pradesh, hereby nominates Shri K. G. Pandeya, Financial Commissioner, Himachal Pradesh, as the Chief Electoral Officer for the State of Himachal Pradesh with effect from 25th April, 1972 and until further orders, *vice* Shri D. Hmingliana Tochhawng granted leave.

[No. 154/HP/72.]

## भारत निर्वाचन आयोग

नई दिल्ली, 31 मई, 1972

**एस० ओ० 2113.**—लोक प्रतिनिधित्व अधिनियम, 1950 की धारा 13क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्वाचन आयोग हिमाचल प्रदेश सरकार के परामर्श से श्री एल० हमिंगलियाना नोछार्वग के छुट्टी पर चले जाने पर, श्री के० सी० पाण्डया, वित्तीय आयुक्त, हिमाचल प्रदेश को 25 अप्रैल, 1972 से अगले आदेशों तक हिमाचल प्रदेश राज्य के लिए मुख्य निर्वाचन आफिसर के रूप में एतद्द्वारा नामनिर्देशित करता है ।

[सं० 154/हि० प्र०/72]

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## ORDERS

*New Delhi, the 22nd April 1972*

**S.O. 2114.**—Whereas, the Election Commission is satisfied that Shri Naurangi Lal Pipil s/o Shri Ram Swarup, Village Tapa Khurd, Post Office Firozabad District, Agra, Uttar Pradesh, a contesting candidate for election to the House of the People from 72-Firozabad Parliamentary Constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Naurangi Lal Pipil to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-HP/72/71(17).]

## आदेश

नई दिल्ली, 22 अप्रैल, 1972

**एस० ओ० 2114.**—यतः निर्वाचन आयोग का समाधान हो गया है कि लोक सभा के लिए निर्वाचन के लिए 72–फिरोजाबाद संसदीय निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नौरंगी लाल पिपिल सुपुत्र श्री राम स्वरूप, गांव टापाखुर्द, डा० फिरोजाबाद जिला आगरा उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

2. और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचनाए दिए जाने पर भी अपनी इस सफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है;

3. अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री नौरंगीलाल पिपिल को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है ।

[सं० उ० प्र०-लो० स०/72/71 (17)]

*New Delhi, the 25th April 1972*

**S.O. 2115.**—Whereas, the Election Commission is satisfied that Shri Chandra Shekhar s/o Shri Deota Din., Village Punda, Post Office Rithuakhor, District Gorakhpur, Uttar Pradesh, a contesting candidate for the bye-election to the Uttar Pradesh Legislative Assembly from 191-Maniram Assembly Constituency held in 1971 has failed to lodge an account of his election exepnses as required by the Representation of the People Act, 1951, and the Rules made thereunder.

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chandra Shekhar s/o Shri Deota Din, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/191/71(Bye)(1).]

नई दल्ली 25 अप्रैल, 1972

**एस० ओ० 2115.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1971 को हुए उत्तर प्रदेश विधान सभा के लिए उप-निर्वाचन के लिए 191-मानीराम सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले एक उम्मीदवार श्री चन्द्रशेखर सुपुत्र श्री दोओतोदीन, ग्राम पुण्डा, डा० रिठुआखोर, जिला गोरखपुर, उत्तर प्रदेश लोग प्रतिनिधित्व अधिनियम 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहें हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचनाएं दिये जाने पर भी, इतनी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा न्यायौचित नहीं है ।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री चन्द्रशेखर को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष पूर्व की काल विधि के लिए निरर्हित घोषित करता है ।

[सं० उ० प्र० - वि० सं०/191/71/उप (1)]

**S.O. 2116.**—Whereas the Election Commission is satisfied that Shri Paltoo s/o Shri Budhiram, Village and Post Office Bahrampur, District Gorakhpur, Uttar Pradesh, a contesting candidate for the bie-election to the Uttar Pradesh Legislative Assembly from 191-Maniram Assembly Constituency held in 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the notice issued to Shri Paltoo has been received back undelivered as the whereabouts of the candidate are not known, and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Paltoo, S/o Shri Budhiram, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/191/71/Bye(2).]

**एस० ओ० 2116.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1971 को हुए उत्तर प्रदेश विधान सभा के लिए उप-के लिए 191-मानीराम निर्वाचन क्षेत्र से चुनाव लड़ने वाले श्री पल्टू सुपुत्र श्री बुधीराम, ग्राम एंव पो० आ० बहरामपुर, जिला गोरखपुर, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहें हैं,

और, यतः, श्री पल्टू को जारी की गई सूचना बिना वितरित वापस आ गई है क्योंकि उम्मीदवार के ठौर-ठिकाने का कोई पता नहीं है, और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा न्यायोचित नहीं है।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री पल्टू सुपुत्र श्री बुधीराम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं० उ० प्र०-वि० स०191/71/उप (2)]

**S.O. 2117.**—Whereas the Election Commission is justified that Shri Ram Avadh, S/o Shri Chhatanki Village Nathmalpur, Post Office Lachhipur District Gorakhpur, Uttar Pradesh a contesting candidate for the bye-election to the Uttar Pradesh Legislative Assembly from 191-Maniram Assembly Constituency, held in 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of setcion 10A of the said Act the Election Commission hereby declares the said Shri Ram Avadh, S/o Shri Chhatanki, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/191/71(3).]

**एस०ओ० 2117.**—यतः, निर्वाचन आयोक का समाधान हो गया है कि 1971 को हुए उत्तर प्रदेश विधाव सभा के लिए उप-निर्वाचन के लिए 191-मानीराम निर्वाचन क्षेत्र से चुनाव लडने वाले उम्मीदवार श्री राम अवध सुपुत्र श्री छटंकी, ग्राम नथमलपुर, पो० आ० लच्छीपुर, जिला गोरखपुर, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहें हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचनाएं दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा न्यायोचित्य नहीं है ।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री राम अवध सुपुत्र श्री छटंकी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं० उ० प्र०-वि० स०/191/71/उप (3)]

*New Delhi, the 1st May 1972*

**S.O. 2118.**—Whereas the Election Commission is satisfied that Shri Chota S/o Shri Mustaq Ahmad, Mohalla Qanungoyan, Hindu Purkazi District Muzaffarnagar (Uttar Pradesh), a conesting candidate for election to the House of the People from 82-Muzaffarnagar Parliamentary Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chota to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-HP/82/71(18).]

नई दिल्ली 1 मई, 1972

**एस० ओ० 2118.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि लोक सभा के लिए निर्वाचन के लिए 82-मुजफ्फरनगर संसदीय निर्वाचन क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री छोटा सुपुत्र मुस्ताक अहमद, मो० कानूनगोयान हिन्दू पुरकाजी, जिला मुजफ्फरनगर (उत्तर प्रदेश) लोग प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहें हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचनाएं दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा न्यायोचित्य नहीं है ।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री छोटा को संसद के किसी

भी सदस्य के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है ;

[सं० उ० प्र०-लो० स०/82/71/ (18)]

*New Delhi, the 2nd May 1972*

**S.O. 2119.**—Whereas the Election Commission is satisfied that Shri Rao Mahmood Ahmed Khan, S/o Shri Rao Ahmad Khan Ahmad Manjil Shahmadar Street, Shaharanpur District Dehra Dun, Uttar Pradesh, a contesting candidate for election to the House of the People from 85-DehraDun Parliamentary Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rao Mahmood Ahmad Khan to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No UP-HP/85/71(19).]

नई दिल्ली, 2 मई, 1972

**एस०ओ० 2119.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि लोक सभा के लिए निर्वाचन के लिए 85-देहरादून निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राव महमूद अहमद खां सुपुत्र राव अहमद खां, अहमद मंजिल शाहमदार स्ट्रीट, सहारनपुर, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री राव महमूद अहमद खां को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है ।

[सं० उ०प्र०-लो०स०/85/71(19)]

*New Delhi, the 10th May 1972*

**S.O. 2120.**—Whereas the Election Commission is satisfied that Shri Raj Kumar S/o Shri Krishna Kumar, r/o Bithoor Kalan, Ward No. 1 Post Bithoor, Kanpur District Kanpur, Uttar Pradesh, a contesting candidate for election to the House of the People from 64-Bilhaur Parliamentary Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People At, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Raj Kumar to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-HP/64/71(20).]

नई दिल्ली, 10 मई, 1972

**एस०ओ० 2120.**—यतः निर्वाचन आयोग का समाधान हो गया है कि लोक सभा के लिए निर्वाचन के लिए 64-बिल्हौर संसदीय निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राज कुमार सुपुत्र श्री कृष्ण कुमार, बिठूर कलां, वार्ड नं० 1, पो० बिठूर कानपुर, जिला कानपुर, उत्तरप्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक् सूचना दिए जाने पर भी, अपनी असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री राज कुमार को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है ।

[सं० उ० प्र० -लो० स०/64/71(20)]

**S.O. 2121.**—Whereas the Election Commission is satisfied that Shri Shaukat Ali, S/o Shri Nazir, r/o 598-Fathfullganj Kanpur district Kanpur, Uttar Pradesh, a contesting candidate for election to the House of the Pople from 65-Kanpur Parliamentary Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shaukat Ali to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-HP/65/71(21).]

एस०ओ० 2121.—यतः, निर्वाचन आयोग का समाधान हो गया है कि लोक सभा के लिए निर्वाचन के लिए 65-कानपुर संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शौकत अली सुपुत्र श्री नजीर, 598 फैथ गुलगंज, कानपुर, जिला कानपुर, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री शौकत अली को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं०उ०प्र०-लो० स०/65/71(21)]

**S.O. 2122.**—Whereas the Election Commission is satisfied that Shri Rajendra Singh S/o Shri Raghunath Singh, R/o 105/737, Sisamau, Kanpur district Kanpur, Uttar Pradesh, a contesting candidate for election to the House of the People from 65-Kanpur Parliamentary Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rajendra Singh to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-HP/65/71(22).]

एस०ओ० 2122.—यतः, निर्वाचन आयोग का समाधान हो गया है लोक सभा के लिए निर्वाचन के लिए 65 कानपुर संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राजेन्द्र सिंह सुपुत्र श्री रघुनाथ सिंह, 105/737, सीसामऊ, कानपुर, जिला कानपुर, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी अपनी असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्द्वारा, उक्त श्री राजेन्द्र सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं० उ०प्र०-लो०स०/65/71 (22)]

*New Delhi, the 24th May 1972*

**S.O. 2123.**—Whereas the Election Commission is satisfied that Shri P. K. Vidyasagaran, Punnakkatharayil House, Kazhuvilangu, P.O. Koolimuttam, via. Mathilakam, Trichur District, Kerala State, a contesting candidate for mid-term election to the Kerala Legislative Assembly from 61-Cranganore constituency, has failed to lodge an account of his election expenses within time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure, and the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri P. K. Vidyasagaran to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/61/70.]

By Order,
A. N. SEN, Secy.

नई दिल्ली 24 मई, 1972

एस०ओ० 2123.—यतः, निर्वाचन आयोग का समाधान हो गया है कि केरल विधान सभा के लिए निर्वाचन के लिए 61 क्रेगानौर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री पी० के० विद्यासागरन, पुन्नकथराइल हाऊस, काड्डविलगू, पो० आ० कूलीमुट्टम, वाया मथीलाकाम, जिला त्रिचूर, केरल राज्य, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार ने उसे सम्यक् सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री पी० के० विद्यासागरन, को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं० केरल- वि० स०/61/70]

आदेश से,
ए० एन० सैन, सचिव।

## MINISTRY OF HEALTH AND FAMILY PLANNING

### (Department of Health)

*New Delhi, the 10th February 1972*

**S.O. 2124.**—In para 3(b) of notification No. F. 24-1/71-III dated the 16th October, 1971, substitute "The maximum age for this examination would be 40 years (45 years for Scheduled Caste/Scheduled Tribe candidates)" for "The maximum age for this examination would be 40 years for Scheduled Caste/Scheduled Tribe candidates".

[No. F. 24-1/71-IH.]

HAMIDULLAH KHAN, Under Secy

### (Department of Health)

*New Delhi, the 6th April, 1972*

**S.O. 2125.**—Whereas the Central Government has, in pursuance of the provisions of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), nominated Dr. D. Raghavendra Rao, Director of Medical and Health Services, Andhra Pradesh, Hyderabad, to be a member of the Medical Council of India with effect from the 24th February, 1972 *vice* Dr. I. Bhooshan Rao resigned.

And whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the said Act, Dr. S. L. Agarwal, Dean, J. N. M. Medical College, Raipur, has been elected by the Ravishankar University, Raipur, to be a member of the said Council with effect from the 20th February, 1972, *vice* Dr. M. M. Arora.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Health No. F.5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification—

(i) under the heading "Nominated under clause (a) of sub-section (1) of section 3", for the entry against serial No. 7, the following entry shall be substituted, namely:—

"Dr. D. Raghavendra Rao, Director of Medical and Health Services, Andhra Pradesh, Hyderabad"

(ii) under the heading "Elected under clause (b) of sub-section (1) of section 3", for the entry against serial No. 34, the following entry shall be substituted, namely:—

"Dr. S. L. Agarwal, Dean, J. N. M. Medical College, Raipur".

[No. F.4-27/71-MPT.]

## स्वास्थ्य और परिवार नियोजन मंत्रालय

### (स्वास्थ्य विभाग)

नई दिल्ली, 6 अप्रैल, 1972

**एस० ओ०** 2125.—यतः भारतीय चिकित्सा परिषद् अधिनियम, 1956 की धारा 3 की उप धारा (1) के खण्ड (क) के उपबन्धों का अनुसरण करते हुए केन्द्रीय सरकार ने डा० आई० भूषण राव के त्याग पत्र दे देने पर उनके स्थान पर डा० डी० राघवेन्द्र राव, आन्ध्र प्रदेश, हैदराबाद के चिकित्सा एवं स्वास्थ्य सेवाओं के निदेशक को 24 फरवरी, 1972 से भारतीय चिकित्सा परिषद् का सदस्य मनोनीत किया है ।

और यतः उक्त अधिनियम की धारा 3 की उप धारा (1) के खण्ड (ख) के उपबन्धों का अनुसरण करते हुए रविशंकर विश्वविद्यालय, रायपुर ने डा० एस० एल० अग्रवाल, डीन, जे०एन० एम० मेडिकल कालेज, रायपुर को 20 फरवरी, 1972 से डा० एम०एम० अरोरा के स्थान पर उक्त परिषद् का सदस्य मनोनीत किया है ।

अतः अब उक्त अधिनियम की धारा 3 की उप धारा (1) के उपबन्धों का अनुसरण करते हुए केन्द्रीय सरकार एतद्द्वारा भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना संख्या एफ० 5-13/59-चि० 1, दिनांक 9 जनवरी, 1960 में और निम्नलिखित संशोधन करती है : नामतः

उक्त अधिनियम में

(i) "धारा 3 की उप-धारा (1) के खण्ड (क) के अधीन निर्वाचित शीर्ष के अन्तर्गत " क्रम संख्या 7 में उल्लिखित प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रख ली जाय, नामत :

"डा० डी० राघवेन्द्र राव,
निदेशक, चिकित्सा एवं स्वास्थ्य सेवा,
आन्ध्र प्रदेश, हैदराबाद ।"

(ii) धारा 3 की उप-धारा (1) के खण्ड (ख) के अधीन निर्वाचित शीर्ष के अन्तर्गत क्रम संख्या 34 में उल्लखित प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रख ली जाए, नामतः

"डा० एस० एल० अग्रवाल,
डीन, जे० एन० एम० मेडिकल कालेज,
रायपुर ।

[प० सं० 4/27/71- एम० पी० टी०]

**S.O. 2126.**—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. C. D. Gupta, Professor of Anatomy, L.L.R.M. Medical College, Meerut has been elected by the Meerut University to be a member of the Medical Council of India with effect from the 11th January, 1972;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India, in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3", after serial No. 43 and the entries relating thereto, the following shall be inserted, namely:—

"44. Dr. C. D. Gupta, Professor of Anatomy, L.L.R.M. Medical College, Meerut".

[No. F.4-33/71-MPT.]

**एस० आ० 2126.**—यतः भारतीय चिकित्सा परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खण्ड (ख) के उपबन्धों का अनुसरण करते हुए मेरठ विश्वविद्यालय ने डा० सी० डी० गुप्त, प्राध्यापक शरीर रचना विज्ञान, एल० एल० आर० एम० मेडिकल कालेज, मेरठ

को 11 जनवरी, 1972 से भारतीय चिकित्सा परिषद का सदस्य निर्वाचित किया है ।

अतः अब उक्त अधिनियम की धारा 4 की उप धारा (1) के उपबन्धों का अनुसरण करते हुए केन्द्रीय सरकार भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना संख्या 5-13/59-चि० 1, दिनांक 9 जनवरी, 1960 में एतद्द्वारा और निम्नलिखित संशोधन करती है, नामतः--

उक्त अधिसूचना में

"धारा 3 की उप धारा (1) के खण्ड (ख) के अधीन निर्वाचित"

शीर्ष के अन्तर्गत क्रम संख्या 43 तथा उससे संबंधित प्रविष्टियों के बाद निम्नलिखित प्रविष्टि रख ली जाए, नामत :--

"44. डा० सी० डी० गुप्त,
शरीर रचना विज्ञान के प्राध्यापक,
एल० एल० आर० एम० मेडिकल कालेज, मेरठ ।

[सं० 4/33/71--एम० पी० टी०]

*New Delhi, the 28th April 1972*

**S.O. 2127.**—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following amendment in the First Schedule to the said Act, namely:—

In the said Schedule, after the entries relating to the Guru Nanak University, the following entries shall be inserted, namely:—

| | | |
|---|---|---|
| "Himachal Pradesh University | Bachelor of Medicine and Bachelor of Surgery | M.B.B.S., Himachal" |

[No. V. 11015/4/72-MPT.]

नई दिल्ली, 28 अप्रैल, 1972

**एस० ओ० 2127.**—भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 की 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय चिकित्सा परिषद् से परामर्श करने के बाद एतद्द्वारा उक्त अधिनियम की पहली अनुसूची में निम्नलिखित संशोधन करती है, नामत :—

उक्त अनुसूची में गुरु नानक विश्वविद्यालय सम्बन्धी प्रविष्टियों के बाद निम्नलिखित प्रविष्टियां रख दी जाएं नामतः —

| | | |
|---|---|---|
| "हिमाचल प्रदेश विश्वविद्यालय | बैचलर आफ मेडिसन तथा बैचलर आफ सर्जरी | एम०बी०बी०एस० हिमाचल" |

[सं० बी० 11015/4/72-एम०पी०टी०]

*New Delhi, the 29th April 1972*

**S.O. 2128.**—Whereas Dr. C. G. Raju, MBBS, BDS, MDS, Professor, Dental College, Fort, Bangalore, has been elected with effect from the 4th October, 1971 as a member of the Dental Council of India under clause (a) of section 3 of the Dentists Act, 1948 (16 of 1948);

Now, therefore, in pursuance of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 3-2/62-MII, dated the 17th October, 1962, namely:—

In the said notification, under the heading "Elected under clause (a) of section 3", for the entry against serial No. 10, the following entry shall be substituted, namely:—

"Dr. C. G. Raju, MBBS, BDS, MDS, Professor, Dental College, Fort, Bangalore".

[No. F.3-38/71-MPT.]

नई दिल्ली, 29 अप्रैल, 1972

**एस० ओ० 2128.**—यतः दन्त चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 3 के खण्ड (क) के अधीन डाक्टर सी०जी० राजू, एम०बी०बी०एस०, बी०डी०एस०, एम०डी०एस०, प्राध्यापक, दन्त चिकित्सा कालेज, फोर्ट बंगलौर को 4 अक्टूबर, 1971 से भारतीय दन्त चिकित्सा परिषद् का सदस्य निर्वाचित किया गया है ।

अब, अतः, उक्त अधिनियम की धारा 3 द्वारा प्रदत्त शक्तियों के अनुसरण में केन्द्रीय सरकार एतद्द्वारा भारत सरकार के भूतपूर्व स्वास्थ्य मन्त्रालय की अधिसूचना संख्या 3-2/62-चिकि० 2 दिनांक 17 अक्तूबर, 1962 में आगे और निम्नलिखित संशोधन करती है, नामतः –

उक्त अधिसूचना में, "धारा 3 के खण्ड (क) के अधीन निर्वाचित" शीर्ष के अन्तर्गत प्रविष्टि संख्या 10 के स्थान पर निम्नलिखित प्रविष्टि रख ली जाए, नामतः —

| | |
|---|---|
| "डा० सी० जी० राजू, | प्राध्यापक, |
| एम०बी०बी०एस०, | दन्त चिकित्सा कालेज, |
| बी०डी०एम०, एम०डी०एस, | फोर्ट बंगलौर" |

[सं० 3-38/71-एम० पी० टी]०

**S.O. 2129.**—In exercise of the powers conferred by sub-sections (2) and (3) of section 12 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following amendments in the Second Schedule to the said Act, namely:—

In the said Schedule, against the entry relationg to the "University of Otago" in column 4, in the existing footnote, the following shall be added at the end, namely:—

"and on or before the 31st December, 1968. This condition shall not apply in cases where these qualifications are already recognised on or before the 29th April, 1972."

[No. 18-34/71-MPT.]

**एस०ओ० 2129.**—भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 12 की उपधारा (2) और (3) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय

सरकार, भारतीय चिकित्सा परिषद् से परामर्श करने के पश्चात् एतद्द्वारा उक्त अधिनियम के द्वितीय अनुसूची में निम्नलिखित संशोधन करती है, नामत: —

उक्त अनुसूची में कालम 4 के मौजूदा पाद-टिप्पणी में "यूनिवर्सिटी आव ओटागो" से सम्बन्धित प्रविष्टि के बाद अन्त में निम्नलिखित को और जोड़ दिया जाए, नामत :—

"और 31 दिसम्बर, 1968 को अथवा उससे पूर्व जिन मामलों में इन अर्हताओं को पहले अथवा 29 अप्रैल, 1972 पूर्व मान्यता प्राप्त हो चुकी हो उन पर ये शर्तें लागू नहीं होंगी।"

[सं० 18-34/71-एम०पी०टी०]

*New Delhi the 15th May 1972*

**S.O. 2130.**—In exercise of the powers conferred by section 32, read with section 4 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following rules further to amend the Indian Medical Council Rules, 1957, namely:—

1. These rules may be called the Indian Medical Council (Amendment) Rules, 1972.

2. In the Indian Medical Council Rules, 1957 (herein after referred to as the said rules), in rule 15, in sub-rule (1), for the words "before the time appointed for the secrutiny of nomination papers" the words "within seven days after the scrutiny of nomination papers" shall be substituted.

3. In the said rules, in rule 17, for the words "at the elector's own cost to the Returning Officer", the words "at the elector's own cost to the Returning Officer or deliver it in person in the office of the Returning Officer" shall be substituted.

4. In the said rules, in rule 18—

(1) in the heading the words "on registered cover" shall be omitted;

(2) the words "by registered post" shall be omitted.

5. In the said rules, in rule 25, in sub-rule (1) for the words 'within a period of fifteen days" the words "within a period of thirty days" shall be substituted.

6. In the said rules in form No. IV—

(1) in paragraph 1, in item (d), for the words "registered post" the words "registered post or deliver it in person in my office" shall be substituted.

(2) in paragraph 2, in item (a), for the words "registered post" the words "registered post or deliver it in person in my office" shall be substituted.

[No. 4-29/69-MPT.]

नई दिल्ली, 15 मई, 1972

**एस० ओ० 2130.**—भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 4 के साथ प्राप्ति धारा 32 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा भारतीय चिकित्सा परिषद् नियमावली 1957 में आगे और संशोधन करने के लिए निम्नलिखित नियम बनाती है।

1. ये नियम भारतीय चिकित्सा परिषद (संशोधन) नियमावली, 1972 कहे जायें।

2. भारतीय चिकित्सा परिषद नियमावली, 1957 (इसके बाद जिन्हें उक्त नियमावली कहा जायेगा) के नियम 15 के उप नियम (1) में उल्लिखित "नामंकन पत्रों की जांच के लिए नियत समय से पूर्व" शब्दों के स्थान पर "नामांकन-पत्रों की जांच के बाद सात दिनों के भीतर" शब्द रख लिए जायें।

3. उक्त नियमावली में नियम 17 में "निर्वाचन अधिकारी को निर्वाचक के अपने खर्च पर" शब्दों के स्थान पर, "निर्वाचक के अपने खर्च पर निर्वाचक अधिकारी को अथवा इसे व्यक्तिगत रूप से निर्वाचन अधिकारी को देगा" शब्द रख लिए जांय।

4. उक्त नियमावली के नियम 18 के शीर्षक में (1) "रजिस्टर्ड लिफाफा" शब्द हटा दिए जांयें।

(2) "रजिस्टर्ड डाक" शब्द हटा दिए जांय।

5. उक्त नियम के नियम 25 के उप नियम (1) में "पन्द्रह दिनों के अन्तर्गत" शब्दों के स्थान पर "तीस दिनों के भीतर" शब्द रख लिए जांय।

उक्त नियम के फार्म संख्या 4 में (1) पैरा (1) के मद (घ) में उल्लिखित "रजिस्टर्ड डाक" शब्दों के स्थान पर" रजिस्टर्ड डाक व्यक्तिगत रुप से मेरे कार्यालय में पहुचाया जाय" शब्द रख लिए जांय।

(2) पैरा 2 के मद (क) में उल्लिखित "रजिस्टर्ड डाक" शब्दों के स्थान पर "रजिस्टर्ड डाक अथवा इसे व्यक्तिगत रूप से मेरे कार्यालय में पहुचाया जाय" शब्द रख लिए जांय।

[स० 4-29/69-एम० पी० टी०]

**S.O. 2131.**—In exercise of the powers conferred by section 32, read with section 4 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following rules further to amend the Indian Medical Council (Election of Licentiates) Rules, 1965, namely:—

1. These rules may be called the Indian Medical Council (Election of Licentiates) (Amendment) Rules, 1972.

2. In the Indian Medical Council (Election of Licentiates) Rules, 1965 (hereinafter referred to as the said rules), in rule 11, for the words "and seconder of each candidate", the words "and seconder of each candidate or a representative duly authorised by the candidate" shall be substituted.

3. In the said rules, in rule 12, in sub-rule (1), for the words "before the time appointed for the scrutiny of nomination papers", the words "within seven days after the scrutiny of nomination papers" shall be substituted.

4. In the said rules, in rule 26, in sub-rule (1), for the words "within a period of fifteen days", the words "within a period of thirty days" shall be substituted.

[No. F.4-29/69-MPT.]

**एस० ओ० 2131.**—भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 4 के साथ पठ्य धारा 32 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा भारतीय चिकित्सा परिषद (लाइसेंसिएटों का निर्वाचन) नियमावली 1955 में आगे और निम्नलिखित संशोधन करती है:—

(1) ये नियम भारतीय चिकित्सा परिषद (लाइसेन्सिएटों) का निर्वाचन) (संशोधन) नियमावली, 1972 कहे जायें।

(2) भारतीय चिकित्सा परिषद (लाइसेन्सिएटयों) का चनाव नियमावली, 1965 (इसके बाद जिन्हें उक्त नियमावली कहा जायेगा) के नियम 11 में "और उम्मीदवार का समर्थक" शब्दों के स्थान पर "और प्रत्येक उम्मीदवार का समर्थक अथवा उम्मीदवार द्वारा विधिवत् प्राधिकृत कोई प्रतिनिधि" शब्द रख लिए जायें।

(3) उक्त नियमावली के नियम 12 के उप नियम (1) में उल्लिखित "मान-पत्रों की छानबीन के लिए नियत समय से पूर्व" शब्दों के स्थान पर "नामन पत्रों की छानबीन के बाद सात दिनों के भीतर" शब्द रख लिए जायें।

(4) उक्त नियम के नियम 26 के उप नियम (1) में "पन्द्रह दिनों के भीतर" शब्दों के स्थान पर "तीस दिनों के भीतर" शब्द रख लिए जायें।

[संख्या फा० 4-29/69/एम० पी० टी०]

*New Delhi, the 27th May 1972*

**S.O. 2132.**—Whereas Dr. M. R. Parameswara Menon, LDSc., BDS, MDS, Assistant Professor, Department of Oral Surgery, Dental College, Trivandrum, has been elected with effect from the 21st March, 1972, from among the dentists registered in Part A of the Kerala register of dentists, as a member of the Dental Council of India under clause (a) of section 3 of the Dentists Act, 1948 (16 of 1948);

And whereas in pursuance of the provisions of clause (d) of section 3 of the said Act, Dr. S. L. Mangi, BSc., BDS., MSD, Principal College of Dentistry, Indore, has been re-elected by the Indore University to be a member of the said Council with effect from the 28th March, 1972;

And whereas in pursuance of the provisions of clause (e) of the said Act, Dr. Y. C. Chawla, LDS, MS, FICD, Professor, Medical College, Rohtak (Haryana) has been renominated by the State Government of Haryana to be a member of the said Council with effect from the 16th June, 1972;

Now, therefore, in pursuance of section 3 of the said Act, the Central Government hereby directs that Dr. Y. C. Chawla and Dr. S. L. Mangi shall continue to be members of the Dental Council of India and makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 3-2/62-MII, dated the 17th October, 1962, namely:—

In the said notification, under the heading "Elected under clause (a) of section 3", for the entry against Serial No. 14, the following entry shall be substituted, namely:—

"Dr. M. R. Parameswara Menon, LDSc., BDS, MDS., Assistant Professor, Department of Oral Surgery, Dental College, Trivandrum".

[No. V.12013/1/72-MPT.]

नई दिल्ली, 27 मई, 1972

का० आ० 2132.—यतः दन्त चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 3 खण्ड (क) के अधीन डा० एम० आर०, परमेश्वर मेनन एल०डी०एस०सी०, बी०डी०, एस०एम०डी० एस०, सहायक प्राध्यापक, मुख्य शल्य चिकित्सा विभाग दन्त चिकित्सा कालेज, त्रिवेन्द्रम को 21 मार्च, 1972 से केरल के दन्त चिकित्सा रजिस्टर के भाग (क) में पंजीकृत दन्त चिकित्सकों में से भारतीय दन्त चिकित्सा परिषद का एक सदस्य निर्वाचित कर दिया गया है।

और यतः उक्त अधिनियम की धारा 3 के खंड (घ) के उपबन्धों का अनुसरण करते हुए डा० एस० एल० मांगी, बी० एस० सी० वी० डी० एस०, एम० एस० डी०, प्रधानचार्य दन्त चिकित्सा कालेज, इन्दौर को इन्दौर विश्वविद्यालय ने 28 मार्च, 1972 से उक्त परिषद का सदस्य पुनः निर्वाचन कर दिया है।

और यतः उक्त अधिनियम के खण्ड (ङ०) के उपबन्धों का अनुसरण करते हुए डा० वाई० सी० चावला, एल० डी० एस०, एम० एस०, एफ० आई० सी० डी०, प्राध्यापक, चिकित्सा कालेज, रोहतक (हरियाणा) को 16 जून, 1972 से हरियाणा राज्य सरकार द्वारा उक्त परिषद का सदस्य मनोनीत किया गया है।

अब अतः अधिनियम की धारा 3 का अनुसरण करते हुए केन्द्रीय सरकार एसद्द्वारा निदेश देती है कि डा० वाई० सी० चावाला और डा० एस० एल० मांगी भारतीय दन्त चिकित्सा परिषद के सदस्य बने ही रहेंगे और भारत सरकार के भूतपूर्व स्वास्थ्य मत्रालय के 17 अक्टूबर, 1962 की अधिसूचना संख्या 3-2/162 चि० 2 में आगे और निम्नलिखित संशोधन करती है, नामतः

"उक्त अधिसूचना को" धारा 3 के खण्ड (क) में निर्वाचित शीर्ष" के अन्तर्गत प्रविष्टि संख्या 14 पर उल्लिखित प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रख ली जाएं, नामतः—

'डा० एम० आर० परमेश्वर मेनन,
एल० डी० एस० सी, बी० डी० एस०,
एम० डी० एस०
सहायक प्राध्यापक—मुख्य चिकित्सा विभाग, दन्त चिकित्सा कालेज, त्रिवेन्द्रम"

[स० बा० 12013/1/72—एम० पी० टी०]

ORDERS

*New Delhi, the 15th May 1972*

**S.O. 2133.**—Whereas by the notification of the Government of India in the late Ministry of Health No. 16-22/63-MI (MPT) dated the 4th June, 1964, the Central Government has directed that the Medical qualification, "M.D. (Washington University Medical School United States of America)" shall or recognised medical qualification for the purposes of the Indian Medical Council Act 1956 (102 of 1956);

And whereas Dr. Leonie Antoinette Maria Tummers who possesses the said qualification is for the time being attached to the Holy Family Hospital, Mandar for the purposes of charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

(i) a period of two years from the date of publication of this order in the Official Gazette, or

(ii) the period during which Dr. Leonie Aptoinette Maria Tummers is attached to the said Holy Family Hospital, Mandar, Whichever is shorter.

as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. V.11016/5/72-MPT.]

आदेश

नई दिल्ली, 15 मई, 1972

**एस० ओ० 2133.**—यत : भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की दिनांक 4 जून, 1964 अधिसूचना सं० 16-22/63-एम. आई० (एम०पी० टी०) द्वारा केन्द्रीय सरकार ने निदेश दिया है कि भारतीय चिकित्सा परिषद अधिनियम, 1956 (1956 का 102) के प्रयोजनों के लिए वाशिंगटन यूनिवरसिटी मेडिकल स्कूल, संयुक्त राज्य अमेरिका द्वारा प्रदत्त एम० डी० मान्यता चिकित्सा अर्हता होगी;

और यत : डा० लियोनी एनटोईनिटे मारियी टचमर्स को ट्यूमर्स जिसके पास उक्त अर्हता है धर्मार्थ कार्यके प्रयोजनों के लिए फिलहाल होली फैमिली हस्पताल, मदार के साथ सम्बद्ध है ।

अत : अब, उक्त अधिनियम की धारा 14 की उपधारा (1) के परन्तुक के भाग (ग) का पालन करते हुए केन्द्रीय सरकार एतद् द्वारा—

(1) इस आदेश के सरकारी गजट में प्रकाशन की तिथि से आगे दो वर्ष की अवधि के लिए,

अथवा

(2) उस अवधि को जब तक डा० लियोनी एनटोईनिटे मारिया ट्यूमर्स जो उक्त होली फैमिली अस्पताल, मदार के साथ सम्बद्ध रहते हैं, जो भी कम हो वह अवधि विनिर्दिष्ट करती है, जिसमें पूर्वोक्त डा० मेडिकल प्रैक्टिस कर सकेंगें ।

[सं० वी० 11016/5/72-एम० पी० टी०]

*New Delhi, the 27th May 1972*

**S.O. 2134.**—Whereas by the notification of the Government of India in the late Ministry of Health No. 16-46/61 MI, dated the 23rd July, 1962, the Central Government has directed that the Medical Qualification, M.B.B.S. granted by the University of Queensland, Brisbane, Australia, shall be recognised medical qualification for the purposes of the Indian Medical Council Act 1956 (102 of 1956);

And whereas Dr. Valerie Jean Garlick who possesses the said qualification is for the time being attached to the Christian Medical College and Hospital, Vellore, for the purposes of charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

(i) a period of two years from the date of publication of this order in the Official Gazette, or

(ii) the period during which Dr. Valerie Jean Garlick is attached to the said Christian Medical College and Hospital, Vellore, whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F.19-38/70-MPT.]

P. C. ARORA, Under Secy.

नई दिल्ली, 27 मई, 1972

**का० आ० 2134.**—यत: भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की दिनांक 23 जुलाई, 1962 की अधिसूचना सं० 16-46/61-एम० आई० द्वारा केन्द्रीय सरकार ने निदेश दिया है कि भारतीय चिकित्सा परिषद अधिनियम, 1956 (1956 का 102) के प्रयोजनों के लिये क्वीन्स लैंड विश्वविद्यालय ब्रिसेबन, आस्ट्रेलिया द्वारा प्रदत्त "एम० बी० बी० एस०" नामक चिकित्सा अर्हता मान्य चिकित्सा अर्हता होगी ।

और यत: डा० वेलेरी जीन गार्लिक को जिसके पास उक्त अर्हता हैं धर्मार्थ कार्य प्रयोजनों के लिये फिलहाल क्रिसचियन मेडीकल कालेज एवं अस्पताल, वेल्लौर के साथ संम्बद्ध है ।

अत: अब, उक्त अधिनियम की धारा 14 की उपधारा (1) के परन्तुक के भाग (ग) का पालन करते हुए केन्द्रीय सरकार एतदद्वारा

(1) इस आदेश के सरकारी राजपत्र में प्राकाशन की तिथि से आगे दो वर्ष की अवधि; अथवा

(2) उस अवधि को जब तक डा० वेलेरी जीन गार्लिक जो उक्त क्रिसचियन मेडीकल कालेज, एंव अस्पताल, वेल्लौर के साथ संम्बद्ध रहतें हैं, जो भी कम हो वह अवधि विनिर्दिष्ट करती है, जिसमें पूर्वोक्त डा० मेडीकल प्रैक्टिस कर सकेंगें ।

[सं० एफ० 19-38/70-एम०पी०टी०]

पी० सी० अरोरा,

अवर सचिव

**(Department of Health)**

*New Delhi, the 11th May 1972*

**S.O. 2135.**—In exercise of the powers conferred by section 8 of the Emblems and Names (Prevention of Improper Use) Act, 1950, (12 of 1950) the Central Government hereby makes the following amendment in the Schedule to the said Act, namely:—

In item 5 of the said Schedule, the words "alternatively with a lion passant quadrant and a unicorn passant" shall be omitted.

[No. F. 4-4/71-MA.]

**(स्वास्थ्य विभाग)**

नई दिल्ली, 11 मई, 1972

एम०ओ० 2135.—संप्रतीक और नाम (अनुचित प्रयोग का निवारण) अधिनियम, 1950 (1950 का 12) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम की अनुसूची में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अनुसूची की मद 5 में, "अनुकल्पत: लायन पैसन्ट क्वाडरेंट और यूनीकार्न पैसन्ट के साथ" शब्द लुप्त कर दिये जाएंगे ।

[सं० फा० 4-4/71-एम०ए० ]

*New Delhi, the 29th May 1972*

S.O. 2136.—In exercise of the powers conferred by sub-sections (1), (2) and (3) of section 33C of the Drugs and Cosmetics Act, 1940 (23 of 1940), and in supersession of the notification of the Government of India, Ministry of Health, Family Planning and Urban Development (Department of Health and Urban Development) No. 4-1/68-D, dated the 14th February, 1969, the Central Government hereby constitutes with effect from the 1st June, 1972 an Ayurvedic and Unani Drugs Technical Advisory Board consisting of the following members and appoints the Director General of Health Services as Chairman thereof namely:—

*Ex-officio members under clause (i) to (iv) of sub-section (2) of section 33C:*

1. The Director General of Health Services.
2. The Drugs Controller (India).
3. The Adviser in Indigenous Systems of Medicine, Ministry of Health and Family Planning, (Department of Health).
4. The Director of the Central Drugs Laboratory, Calcutta.

*Nominated under clause (vi) of sub-section (2) of section 33C:*

Dr. C. S. Shah, Principal, L.M. College of Pharmacy, Ahmedabad.

*Nomination under clause (vii) of sub-section (2) of section 33C:*

Professor S. Rangaswami, Professor of Chemistry, University of Delhi, Delhi.

*Nominated under clause (viii) of sub-section (2) of section 33C:*

1. Pandit Shiv Sharma, 'Bahareistan', Bomanji Petit Road, Bombay-36.
2. Dr. V. S. Parvathi, No. 8, Third Main Road, Gandhi Nagar, Adyar, Madras-20.

*Nominated under clause (ix) of sub-section (2) of section 33C:*

Vaidya Ram Sushil Singh, Reader in Dravyaguna of the Post-Graduate Institute of Indian Medicine, Banaras Hindu University, Varanasi.

*Nominated under clause (x) of sub-section (2) of section 33C:*

Hakim Abdul Hasib, Professor in Ilmul-Adviya, Ajmal Khan Tibbiya College, Aligarh Muslim University, Aligarh.

*Nominated under clause (xi) of sub-section (2) of section 33C:*

1. Dr. Y. Kondal Rao, Secretary, Indian Medical Practitioners' Cooperative Pharmacy Store Ltd. Lattice Bridge Road, Adyar, Madras-20.
2. Hakim Mohd. Mukhtar Islahi, Islahi Dawakhana, Fancy Mahal, Mohamed Ali Road, Bombay-3.

*Nominated under clause (xii) of sub-section (2) of section 33C:*

1. Shri A. T. Sarma, Siromani Press, Bhesajamandir Berhampur-2 (Distt. Ganjam), Orissa State.
2. Hakim Moinuddin Ahmed, 43/A, New Malakpet, Hyderabad-24.

[No. F.12-1/72-APC.]

SATHI BALAKRISHNA, Under Secy.

नई दिल्ली, 29 मई, 1972

एस०ओ० 2136.—औषध एवं अंगराग अधिनियम, 1940 (1940 का 23) की धारा 33—ग की उप धारा (1), (2) और (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, स्वास्थ्य और परिवार नियोजन एवं नगर विकास मंत्रालय, (स्वास्थ्य एवं नगर विकास विभाग) की अधिसूचना सं० एफ 4—1/68 औषध दिनांक 14 फरवरी, 1969 का अधिक्रमण करते हुए केन्द्रीय सरकार एतदद्वारा 1 जून, 1972 से निम्नांकित सदस्यों का एक आयुर्वेदिक तथा यूनानी औषध तकनीकी सलाहकार बोर्ड गठित करती है और स्वास्थ्य सेवाओं के महानिदेशक को उसका अध्यक्ष नियुक्त करती है।

धारा 33—ग की उपधारा (2) के खण्ड (1) से (4) तक के अधीन पदेन सदस्य

1. स्वास्थ्य सेवाओं के महानिदेशक
2. औषध नियंत्रक (भारत)
3. स्वदेशी चिकित्सा पद्धतियों के सलाहाकार, स्वास्थ्य एवं परिवार नियोजन मंत्रालय (स्वास्थ्य विभाग)
4. निदेशक, केन्द्रीय औषध प्रयोगशाला, कलकत्ता

धारा 33—ग, की उप धारा (2) के खण्ड (6) के अधीन मनोनीत

डा० सी० एस० शाह,
प्राधानध्यापक, एल० एम० फार्मेसी कालेज, अहमदाबाद

धारा 33—ग की उपधारा (2) के खण्ड (7) के अधीन मनोनीत

प्रो० एस० रंगास्वामी,
रसायन शास्त्र के प्राध्यापक, दिल्ली विश्वविद्यालय, दिल्ली

धारा 33—ग की उपधारा (2) के खण्ड (8) के अधीन मनोनीत

1. पं० शिव शर्मा,

बाहरिस्तान, बामनजी पेटिट रोड, बम्बई—36

डा० वी० एस० पार्वती,

नं० 8, थर्ड मेन रोड़, गांधी नगर, अडयार, मद्रास—20

धारा 33—ग की उपधारा (2) के खण्ड (9) के अधीन मनोनीत

वैद्य राम सुशील सिंह,

डीन, द्रव्यगुण, भारतीय स्नोतकोत्तर चिकित्सा संस्थान, बनारस हिन्दू विश्वविद्यालय, वाराणसी।

धारा 33—ग की उप धारा (2) खण्ड (10) के अधीन मनोनीत

हकीम अब्दुल हसीब, इलमुल-अद्वविया के प्राध्यापक, अजमल खां तिब्दिया कालेज, अलीगढ़ मुस्लिम विश्वविद्यालय, अलीगढ़

धारा 33—ग की उपधारा (2) के खण्ड (11) के अधीन मनोनीत,

1 डा० वाई० कोडंल राव;

सचिव, भारतीय औषध चिकित्सा सहकारिता फार्मेसी स्टोर लि० लेडिस ब्रिज रोड़, अडयार, मद्रास—20

2 हकीम मोहम्मद, मुख्तार इस्लाही, इस्लाही दवाखाना, फैमी महल, मोहम्मद अली रोड़, बम्बई–3

धारा 33– ग की उपधारा (2) खण्ड (12) के अधीन मनोनीत

1. श्री ए० टी० शर्मा,
सिरोमणि प्रेस, भोषज मंदिर, बहराहमपुर–2 (जिला गजम उड़ीसा राज्य ।

2. हकीम मोइनद्दीन अहमद, 43/ए, न्यू मालकपेट, हैदराबाद –24

[सं० फ० 12–1/72 ए०पी० सी०]

सती बालकृष्ण, अवर सचिव ।

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**(Department of Health)**

*New Delhi, the 27th May* 1972

**S.O. 2137.**—Whereas in pursuance of clause (e) of sub-section (2) of section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the State Government of Rajasthan has nominated Dr. D. K. Jagdev, Deputy Director of Medical and Health Services (Health) Rajasthan, Jaipur, as a member of the Central Committee for Food Standards representing that Government *vice* Dr. A. S. Nagpal, since retired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. S.R.O. 1236 dated the 1st June, 1955 namely:—

In the said notification, for the entry against item 20, the following entry shall be substituted, namely:—

"Dr. D. K. Jagdev, Deputy Director of Medical and Health Services (Health), Rajasthan, Jaipur".

[No. F.14-104/71-P.H.]

K. SATYANARAYANA, Under Secy.

**(स्वास्थ्य विभाग)**

नई दिल्ली, 27 मई, 1972

**एस० ओ० 2137.** —यतः खाद्य अपमिश्रण निवारण अधिनियम, 1954 (1954 का 37) की धारा 3 की उपधारा (2) के खण्ड (डा०) का अनुसरण करते हुए राजस्थान सरकार ने डा० ए० एस० नागपाल के सेवा निवृत्त हो जाने पर उनके स्थान पर डा० डी० के० जगदेव, चिकित्सा एवं स्वास्थ्य सेवाओं के उपनिदेशक (स्वास्थ्य), राजस्थान, जयपुर को खाद्य मानकों की केन्द्रीय समिति के सदस्य के रूप में मनोनीति किया है ।

अब, अतः उक्त अधिनियम की धारा 3 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय के 1 जून 1955 की अधिसूचना संख्या एस० आर० ओ० 1236 में आगे और संशोधन करती है, नामतः

उक्त अधिसूचना में मद संख्या 20 में उल्लिखित प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रख दी जाय, नामतः

डा० डी० के० जगदेव,
उप निदेशक,
चिकित्सा एवं स्वास्थ्य सेवा (स्वास्थ्य)
राजस्थान, जयपुर

[सं० 14–104/71–जन० स्व०]

के० सत्यनारायण, अवर सचिव ।

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**(Department of Health)**

*New Delhi, the 27th May* 1972

**S.O. 2138.**—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of three months from the date of publication of this notification in the Official Gazette.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the period so specified will be considered by the Central Government:—

*Draft Rules*

(1) These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1972.

(2) In the Drugs and Cosmetics Rules, 1945.

(i) in rule 65, after sub-rule (18) the following sub-rule shall be inserted namely:——

"(19) The licensee shall not sell any drug otherwise than in its original container packed by manufacturer or repacker as the case may be:

Provided that this condition shall not apply to the sale of any drug by a Pharmacy or sale of any drug supplied on the prescription of a Registered Medical Practitioner."

(ii) for the rules 96, 97 the following rules shall respectively be substituted, namely:—

96. *Manner of Labelling.*—(1) Subject to the other provision of these rules, the following particulars shall be either printed or written in indelible ink and shall appear in a conspicuous manner on the label of the innermost container of any drug and on every other covering in which the container is packed.

"(i) *The name of the drug.*—For this purpose the proper name of a drug shall be printed or written in a more conspicuous manner than the trade name, if any, which shall be shown immediately after or under the proper name and shall be—

(a) for drugs included in Schedule F, the name given therein;

(b) for drugs included in the Indian Pharmacopoeia or the pharmacopoeias and official compendia or drugs standards prescribed in rule

124, the name or synonym specified in the respective pharmacopoeias and official compendia of drugs standards followed by letters, 'I.P.' or as the case may be being the recognised abbreviations of the respective Pharmacopoeias and official compendia of drug standards;

(c) for drugs included in the National Formulary of India, the name or Synomym specified therein followed by the letters 'N.F.I.';

(d) for other drugs (1) the International non-proprietory name, if any, published by the World Health Organisation or where an International Non-proprietary name is not published the name descriptive of the true nature or origin of the substance or (2) in case of preparations containing more than one ingredient the name indicative of the ingredients which are therapeutically most effective.

(ii) A correct statement of the net content in terms of weight, measure, volume, number of units of activity as the case may be and the weight, measure and volume shall be expressed in Metric System.

(iii) The content of active ingredients.

This shall be expressed—

(a) for oral liquid preparations in terms of the content per single dose, the dose being indicated in 5 mili-litres or multiple thereof.

Provided where the dose is below 5 millilitres the contents of active ingredients may be expressed in terms of one millilitre;

(b) for liquid parenteral preparations ready for administration in terms of 1 millilitre or percentage by volume or per dose in the case of a single dose container:

Provided that if the preparation is contained in an amoule it will be enough if the composition is shown on the label or wrapper affixed to any package in which such ampoule is issued for sale.

(c) for drugs in solid form intended for parenteral administration in terms of Units or weight per milligrammes or gramme;

(d) for tablets, capsules, pills and the like, in terms of the content in each tablet, capsule, pill or other Unit, as the case may be;

(e) for other preparations in terms of percentage by weight or volume or in terms of Unitage per gramme or millilitre as the case may be:

Provided that clause (iii) shall not apply to pharmacopoeial preparations where the composition of such preparations is specified in the respective Pharmacopoeia and to a preparation included in the National Formulary of India.

(iv) Name and address of the manufacturers:

Provided that if the drug is contained in an ampoule, it shall be enough if only the name of the manufacturer and his principal place of business is shown.

(v) Every drug shall bear on its label a distinctive batch number, that is to say, the number by reference to which details of manufacture of the particular batch from which the substance in the container is taken are recorded and are available for inspection, the figure representing the batch number being preceded by the words 'Batch No.' or 'Batch' or 'Lot No.' or 'M.L.'

(vi) Every drug manufactured in India shall bear on its label the number of licence under which the drug is manufactured, the figure representing the manufacturing licence number being preceded by the words 'Manufacturing Licence Number' or 'Mfg. Lic. No.' or 'M.L.'

(vii) Drugs specified in Schedule P and their preparations including combinations with other drugs shall bear on their labels the date of manufacture and the date of expiry of potency and the period between the date of manufacture and the date of expiry shall not exceed that laid down in the said Schedule under the conditions of storage notified by the Licensing Authority under sub-rule (1) of rule 59:

Provided that this period may be extended by the Licensing Authority specified in clause (b) of rule 21 in respect of any specified drug is satisfactory evidence is produced by the manufacturer to justify such an extension.

(viii) Drugs specified in Schedule (1) and their preparations including combination with other drugs shall bear on the labels the date of expiry of potency fixed by the manufacturer.

*Explanation.*—For the purposes of clause (vi)) and (viii) above the date of expiry shall be in term of month and year and it shall mean that the drug is recommended till the last day of the month and the date of expiry shall be preceded by the word 'Expires'.

(ix) Every drug intended for distribution to the medical profession as a free sample shall, while complying with the labelling provisions under clauses (i) to (viii), further bear on the label of the container the words 'Physician's Sample—Not to be sold' which shall be overprinted.

(2) The particulars prescribed in the preceding sub-rule shall be printed or written in indilible ink either on the label borne by a container of vaccine lymph or on a label or wrapper affixed to any package in which the container is issued for sale and the said particulars shall be indilibly marked on the sealed container of surgical ligature or suture or printed or written in indelible ink on a label enclosed therein.

Nothing in these rules shall be deemed to require the labelling of any transparent cover or of any wrapper, case or other covering used solely for the purpose of packing, transport or dlivery.

(3) Where by any provision of these rules any particulars are required to be displayed on a label on the container, such particulars may, instead of being displayed on a label, be etched, printed or otherwise indelibly marked on the container:

Provided that, except where otherwise provided in these Rules the name of the drug or any distinctive letters intended to refer to the drug shall not be etched, painted or otherwise indelibly marked on any glass contained other than ampoules."

"97. *Labelling of medicines.*—(1) The container of a medicine for internal use made up ready for the treatment of human ailments shall—

(a) if it contains a substance specified in Schedule E, and not specified in Schedule G, be labelled with the word 'Poison'.

(b) if it contains a substance specified in Schedule G, be labelled with the words "Caution". It is dangerous to take this preparation except under medical supervision".

(c) if it contains a substance specified in Schedule H, it shall be labelled with words:

"SCHEDULE H DRUG"

"Warning—To be sold by retail on the prescription of a Registered Medical Practitioner only."

(d) if it contains a substance specified in column 1 of Schedule E in a strength below that

specified in column 2 thereof, be labelled with the words:—

"Caution—It is dangerous to exceed the stated dose".

(e) if it contains a substance specified in Schedule L, it shall be labelled with the words:

"SCHEDULE L DRUG"

"Warning—To be sold by retail on the prescription of a Registered Medical Practitioner only."

Provided that if the preparation is contained in an ampoule and it contains substance specified in Schedule G, or Schedule H or Schedule L, it shall be sufficient if only the symbol G, H or L representing Schedule G, Schedule H or Schedule L respectively appears prominently on the upper left hand corner of the label.

(2) The container of an embrocation, liniment, lotion liquid antiseptic or other liquid medicine for external application which is made up ready for the treatment of human ailments, shall be labelled with the words "For external use only" and if the medicine contains a substance specified in Schedule E, the container shall be labelled with the words "Poison—For external use only".

(3) The container of a medicine made up ready, only for treatment of an animal shall be labelled conspicuously with words "Not for human use, for animal treatment only" and shall bear a symbol depicting the head of a domestic animal.

(4) The container of a medicine which is not made up ready for treatment shall, if the medicine contains a substance specified in Schedule E, be labelled with the word "Pioson".

**Explanation**:—A medicine shall be deemed to be made up ready for treatment if it is made up and labelled with a dose ready for use, whether after or without dilution.

(5) The container of a medicine prepared for treatment of human ailments shall, if the medicine contains industrial methylated spirit, indicate this fact on the label and be labelled with the words—"For External Use only".

(iii) for rule 105, the following rule shall be substituted namely:—

"105. *Packing of Drugs*.—Drugs manufactured for sale shall be packed in containers intended for retail sale."

(iv) for rule 109, the following rule shall be substituted, namely:—

"109-*Labelling*—(1) The following particulars and such further particulars, if any, as are specified in Schedule F or Schedule F(1) as the case may be, shall be printed or written in indelible ink on the label of every phial, ampoules or other containers of a substance specified in Schedule C and on every other covering in which such phial, ampoule or container is packed—

(a) where a drug is imported, the number of licence under which it is imported, preceded by the word "Import Licence":

Provided that no reference shall be made to any other import licence number granted by any authority outside India on any label or container or in any covering in which the container is packed or in any other matter of advertisement enclosed therewith;

(b) Where a test for potency in units is required by these rules a statement of the potency in units defined in terms of relation to the Standard preparation specified in Schedule F or Schedule F(1) as the case may be.

Provided that this clause shall not apply in case of vaccine lymph or surgical ligature or suture;

(c) Where a test for potency or maximum toxicity is required the date up to which the substance if kept under suitable conditions may be expected to retain a potency not less than that stated on the label of the container, or not to acquire a toxicity greater than that permitted by the test as the case may be. The date of expiry shall be in term of month and year and it shall mean that the drug is recommended for use till the last day of the month. The date of expiry shall be preceded by the word 'Expires':

Provided that nothing in these rules shall be deemed to require the labelling of any transparent cover of any wrapper, case or other covering used solely for the purpose of packing, transport of delivery.

(2) The particulars prescribed in clause (a) of the preceding sub-rule shall be printed or written in indelible ink either on the label borne by a container of vaccine lymph or on a label or wrapper affixed to any package in which the container is issued for sale. The said particulars shall be indelibly marked on the sealed container of surgical ligature or suture or printed or written in indelible ink on a label enclosed therein.

(3) The following particulars, and such further particulars if any, as are specified in Schedule F or Schedule F(1) as the case may be, shall be printed or written in indelible ink either on the label borne by the container of any substance specified in Schedule C or on a label or wrapper affixed to any package in which any such container is issued for sale:—

(a) Where a test for maximum toxicity is required by these rules a statement that the substance has passed such test.

(b) the date on which the manufacture of the particular batch from which the substance in the container is taken was completed as defined in Schedule F or Schedule F(1) or if these is no definition in Schedule F or Schedule F(1) as hereafter defined in this rule and in the case of vaccines prepared from concentrates, the date of completion of the final products and the bottling for issue.

(c) where an antiseptic substance has been added, the nature and the percentage proportion introduced;

(d) the precautions necessary for preserving the properties of the contents to the date indicated in clause (c) of sub-rule (1) of this rule.

(4) For the purpose of clause (b) of the last preceding rule the date on which the manufacture of a batch is completed shall be:—

(a) In case where a test for potency or toxicity is required by these rules or not, being so required is accepted by the Licensing authority as sufficient for the purpose of fixing the date of completion of manufacture, the date on which the test was completed, or the date on which the substance was removed from cold storage after having been kept at a temperature not exceeding 5°C—continuously for a period not exceeding two years from the time when the last test was completed:

(b) In cases where no such test is required or accepted (i) if the substance is a serum obtained from living animals, the earliest date on which any material contributing to the batch was removed from the animal, (ii) if the substance was obtained by the growth of organisms on artificial media, the earliest date

on which growth was terminted in any of the material contributing to the batch and (iii) if the substance is a brain suspension used in the preparation of carbolised antirabic vaccine, the earliest date on which any brain material contributing to the batch was removed from the passage animal:

Provided that, in cases where no such test is required or accepted, if a batch of the substance (including all materials contributing to this batch) has for a period of not more than three years been kept in cold storage at a temperature not exceeding 50C continuously from the earliest practicable date after that on which the material was removed from the animal or on which growth was terminated in the material as the case may be, the date of removal from cold storage shall be treated as the date on which the manufacture of the batch is completed.

(c) in all other cases, the date on which the substance is filled in the container.";

(v) in rule 122, clause (b), shall be omitted, and the clauses (c), (d) and (e) shall be renumbered as clauses (b), (c) and (d) respectively thereof;

(vi) in Schedule F, in part IV,

(a) in section (B), in clause 4(2) for the expression "Rule 109 (1)(e)" the following expression shall be substituted, namely:—

"rule 109(1)(c)";

(b) in section (C), in clause 3(2) for the expression "Rule 109 (1)(e)" the following shall be substituted, namely:—

"rule 109(1)(c)";

(c) in section (D), in clause 3(2) for the expression "Rule 109(1)(c)" the following expression shall be substituted, namely:—

"rule 109(1)(c)";

(d) in section (E), in clause 4(2) for the expression "Rule 109(I)(e)" the following expression shall be substituted, namely:—

"rule 109(1)(c)";

(e) in section (F) in clause 4(2) for the expression "Rule 109(I)(e)" the following expression shall be substituted, namely:—

"rule 109(1)(c)";

(f) in section (G), in clause 4(2) for the expression "Rule 109(I)(e)" the following expression shall be substituted, namely: —

"rule 109(1)(c)";

(g) in section (H), in clause 4(2) for the expression "Rule 109(I)(e)" the following expression shall be substituted, namely:—

"rule 109(1)(c)";

(h) in section (I), in clause 6(3) for the expression "Rule 109(I)(e)" the following expression shall be substituted, namely:—

"rule 109(1)(c)";

(i) in section (J), in clause 6(3) for the expression "Rule 109(I)(e)" the following expression shall be substituted, namely:—

"rule 109(1)(c)";

(j) in section (K), in clause 4(2) for the expression "Rule 109(I)(e)" the following expression shall be substituted, namely:—

"rule 109(1)(c)";

[No. F.1-62/70-D.]

(स्वास्थ्य विभाग)

नई दिल्ली, 27 मई, 1972

**का०आ० 2138.**—औषधि और प्रसाधन सामग्री नियम, 1945 का और आगे संशोधन करने के लिए कतिपय नियमों का निम्नलिखित प्रारूप जिसे केन्द्रीय सरकार औषधि तकनीकी सलाहकार बोर्ड से परामर्श करने के पश्चात औषधि और प्रसाधन सामग्री अधिनियम, 1940 (1940 का 23) की धारा 12 और 33 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बनाने की प्रस्थापना करती है, उससे संभाव्य प्रभावित होने वाले सभी व्यक्तियों की जानकारी के लिए, उक्त धारा द्वारा यथा अपेक्षित, प्रकाशित किया जाता है और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के सरकारी राजपत्र में प्रकाशित होने की तिथि से तीन महीनों की समाप्ति पर या उसके पश्चात विचार किया जाएगा।

2. कोई आक्षेप या सुझाव जो उक्त प्रारूप की बाबत इस प्रकार विनिर्दिष्ट अवधि के पूर्व किसी भी व्यक्ति से प्राप्त हों उन पर केन्द्रीय सरकार द्वारा विचार किया जायगा।

**नियम का प्रारूप**

(1) इन नियमों का नाम औषधि और प्रशासन सामग्री ——————(संशोधन) नियम, 1972 होगा।

(2) औषधि और प्रशासन सामग्री नियम 1945 में —

(i) नियम 65 में उपनियम (18) के पश्चात :— उपनियम अन्तः स्थापित किया जाएगा, अर्थात्ता

" (19) अनुज्ञप्ति धारी यथास्थिति विनिर्माण पैकर द्वारा मूल आधान में पैक की गई से अन्यथा किसी औषधि को नहीं बेचेगा :

परन्तु फार्मेसी द्वारा किसी औषधि के विक्रय पर या रजिस्ट्रीकृत चिकित्सा व्यवसायी के औषधि पत्र पर दी गई किसी औषधि के विक्रय पर यह शर्त लागू नहीं होगी।"

(ii) नियम 96,97 के स्थान पर क्रमशः निम्नलिखित नियम प्रतिस्थापित किए जाएंगे अर्थात :—

96. **लेबल लगाने की रीति** :— (1) इन नियमों के अन्य उप-बंधों के अधीन रहते हुए, निम्नलिखित विशिष्टियां या तो मुद्रित की जाएगी या अमिट स्याही में लिखि जाएगी और किसी औषधी के सबसे अन्त तम आधान के लेबल पर और प्रत्येक अन्य आवरण पर जिसमें आधान पैक किया गया है, सहजद्रश्य रीति में प्रतीत होंगी।

" (i) **औषधी का नाम**:— इस प्रयोजन के लिए औषधि का यथार्थ नाम, व्यापार नाम से, यदि कोई है, अधिक सहजद्रश्य रीति से मुद्रित किया जाएगा या लिखा जाएगा जो ठीक यथार्थ नाम के पश्चात् या उसके नीचे दिखाया जायगा और :

(क) अनुसूची 'च' में सम्मिलित औषधि के लिए उसमें दिया गया नाम होगा ;

(ख) भारतीय औषधि कोष या औषधि कोषों में और नियम 124 में विहित औषधि मानक के शासकीय सार-संग्रह में सम्मिलित औषधियों के लिए अपने अपने औषध कोषों और औषधि मानक के शासकीय सार-संग्रह में विनिर्दिष्ट नाम या प्रर्याय के पश्चात 'आई० पी०' अक्षर होंगे या यथास्थिति अपने अपने औषध कोषों और औषधि मानक के शासकीय सार संग्रह के मान्यता प्राप्त संक्षेपाक्षर होंगे ;

(ग) भारत की राष्ट्रीय फार्म्यूलरी में सम्मिलित औषधि के लिए उसमें विनिर्दिष्ट नाम या प्रर्याय होगा और जिसके अनुसरण में 'एन० एफ० आई०' अक्षर होंगे ;

(घ) अन्य औषधि के लिए (1) विश्व स्वास्थ्य संगठन द्वारा प्रकाशित नान प्रोप्रायटरी नाम, यदि कोई हो, या जहां अन्तर्राष्ट्रीय नान-प्रोप्रायटरी नाम प्रकाशित नहीं किया गया हो, वहां पर्याय के सही स्वस्थ या उद्भव के वर्णनात्मक नाम या (2) ऐसी निर्मितियों की दशा में जिसमें एक से अधिक घटक हों जो चिकित्सा शास्त्र की दृष्टि से अधिक प्रभावी हों, उन घटकों के नाम उपदर्शित किए जाएंगे ।

(ii) भार, माप, परिमाण, क्रियाकलाप के एककों की संख्या के रूप में शुद्ध अन्तवस्तु का यथास्थिति सही विवरण और भार, माप और परिमाण मीटरी पद्धति में अभिव्यक्त किए जाएंगे ।

(iii) सक्रिय घटकों की अन्तर्वस्तु ।

यह अभिव्यक्त किया जाएगा :—

(क) प्रति एकल मात्रा की अन्तर्वस्तु के रूप में मुंह से लेने वाली द्रव निर्मितियों के लिए खुराक को 5 मिली लिटर या उसके गुणज में उपदर्शित करके :

परन्तु जहां मात्रा 5 मिली लीटर से कम है, तो सक्रिय घटकों की अन्तर्वस्तु एक मिली लीटर के रूप में अभिव्यक्त की जा सकेगी ;

(ख) उपयोग में लाये जाने के लिए तयार द्रव आन्तरतर निर्मितियों के लिए 1 मिली लीटर या परिमाण द्वारा प्रतिशत या एकल मात्रा आधान की दशा में प्रति मात्रा के रूप में :

परन्तु यदि निर्मित संपुटक में रखी गई हो तो यह पर्याप्त होगा यदि किसी पैकेज पर लगाये गए लेबल या लपेटन पर रचना दर्शित की गई हो जिसमें ऐसा संपुटक विक्रय के लिए जारी किया जाता है ;

(ग) आन्तरतर दिए जाने के आशयित ठोस रूप में औषधि के लिए प्रति मिली ग्राम या ग्राम एककों या भार के रूप में ;

(घ) टिकिया, केप्सूल, गोलियां, और वैसी ही चीजों के लिए यथास्थिति, प्रत्येक टिकिया, केप्सूल, गोली या अन्य एकक में की अन्तर्वस्तु के रूप में ;

(ङ) अन्य निर्मितियों के लिए भार या परिमाण द्वारा प्रतिशत के रूप में या यथास्थिति प्रति ग्राम या मिली लीटर के रूप में :

परन्तु कि खण्ड (iii) ऐसी औषधि कोष निर्मितियों की जहां के ऐसी निर्मितियों की रचना अपने अपने औषध कोष में विनिर्दिष्ट है और ऐसी निर्मिति को, जो भारत की राष्ट्रीय फार्म्यूलरी में सम्मिलित हैं, लागू नहीं होगा ।

(iv) विनिर्माता का नाम और पता :— परन्तु यदि औषधि संपुटक में रखी जाए तो यह पर्याप्त होगा यदि विनिर्माता का नाम और उनके करबार का प्रधान स्थान दर्शित किया जाए ।

(v) प्रत्येक औषधि के अपने लेबल पर सुभिन्न बैच संख्या होगी, अर्थात वह संख्या जिसके निर्देश से किसी विशिष्ट बैच के विनिर्माण के जिससे आधान की सामग्री ली गई है, विवरण अभिलिखित किए गए हैं और निरीक्षण के लिए उपलब्ध हैं, बैच संख्या का प्रतिनिधित्व करने वाला अंक बैच संख्या या "लाट संख्या" या 'प्लाट' शब्दों के पहले होगा ।

(vi) भारत में विनिर्मित प्रत्येक औषधि के अपने लेबल पर उस अनुज्ञप्ति की संख्या होगी जिसके अधीन औषधि विनिर्मित की गई हो विनिर्माण अनुज्ञप्ति संख्या का प्रतिनिधित्व करने वाला अंक 'विनिर्माण अनुज्ञप्ति संख्या' या विनिर्माण 'अनु० संख्या' या 'एम० एल० 'शब्दों से पहले हों ।

(vii) अनुसूची 'त' में विनिर्दिष्ट औषधि और उनकी निर्मितियों के जिसमें औषधियां अन्य के साथ संमिश्रण भी है, लेबल पर विनिर्माण की तारीख और शक्ति की समाप्ति की तारीख होगी और विनिर्माण की तारीख और समाप्ति की तारीख के बीच की अवधि नियम 59 के उपनियम (1) के अधीन अनुज्ञापन अधिकारी द्वारा अधिसूचित भंडार की शर्तों के अधीन उक्त अनुसूची में अधिकथित से अधिक नहीं होगी :

परन्तु यह अवधि नियम 21 के खंड (ख) में विनिर्दिष्ट अनुज्ञापन प्राधिकारी द्वारा किसी भी विनिर्दिष्ट औषधि के सम्बन्ध में विस्तारित की जा सकेगी यदि विनिर्माता द्वारा ऐसी विस्तारण का औचित्य स्थापित करने के लिए संतोषप्रद साक्ष्य पेश किया जाय ।

(viii) अनुसूची 'ग' (1) में विनिर्दिष्ट औषधि और उनकी निर्तिमियों के, जिसमें अन्य औषधि के साथ संमिक्षण

भी हैं लेबल पर विनिर्माता द्वारा नियत शक्ति की समाप्ति की तारीख होगी ।

**स्पष्टीकरण**:—ऊपर खंड (VII) और (VIII) के प्रयोजनों के लिए समाप्ति की तारीख मास और वर्ष के रूप में होगी और इसका अर्थ यह होगा कि मास के अन्तिम दिन तक औषधि की सिफारिश की गई है और समाप्ति की तारीख 'समाप्त होती है' शब्द के पहले होगी ।

(i) चिकित्सा व्यवसाय को निःशुल्क नमूने के रूप में वितरण के लिए आशयित प्रत्येक औषधि, खंड (i) से (viii) तक के अधीन लेबलों के उपबन्धों का अनुपालन करते हुए आधान के लेबल पर 'चिकित्सक के लिए नमूना—विक्रय के लिए नहीं' शब्द भी मुद्रित किए जाएंगे ।

(2) पूर्ववर्ती उपनियम में विहित विशिष्टियां मुद्रित की जाएंगी या अमिट स्याही में या तो बैक्सीन लसीका के आधान के लेबल पर या किसी पैकेज पर लगाए गए किसी लेबल या लपेटन पर जिसमें आधान विक्रय के लिए दिया जाता है लिखी जाएंगी और उक्त विशिष्टियां शल्य-चिकित्सीय बन्ध या सीवन के मौहरबन्द आधान पर अमिट रूप से चिन्हित की जाएंगी या उसके साथ दिए हुए लेबल पर मुद्रित की जाएंगी या अमिट स्याही में लिखी जाएंगी ।

इस नियम की कोई भी बात पक करने, परिवहन या परिदान के एकमात्र प्रयोजन के लिए प्रयुक्त किसी भी पारदर्शक ढक्कन या किसी लपेटन केस या अन्य आच्छेदनों पर लेबल लगाने के लिए अपेक्षित नहीं समझी जाएगी ।

3. जहां इन नियमों के किसी उपबन्ध द्वारा किसी भी आधान के लेबल पर कोई विशिष्टियां सम्प्रदर्शित किए जाने के लिए अपेक्षित हैं वहां ऐसी विशिष्टियां लेबल पर सम्प्रदर्शित करने के बजाए, आधान पर उत्कीर्णित या मुद्रित की जाएंगी या अन्यथा आधान पर अमिट रूप से चिन्हित की जाएंगी ।

परन्तु इन नियमों में जहां अन्यथा उपबंधित के सिवाय औषधि का नाम या औषधि के निर्दिष्ट करने के लिए आशयित कोई भी सुभिन्न अक्षर संपुटक से भिन्न किसी भी कांच के आधान पर उत्कीर्णित, चित्रित या अन्यथा अमिट रूप से चिन्हित नहीं किया जाएगा ।

"97 औषध को लेबल लगाना

(1) आन्तरिक प्रयोग के लिए मानवीय बीमारी के उपचार के लिए तैयार किए गए किसी औषध, के आधान पर

(क) यदि इसमें अनुसूची 'ङ' में विनिर्दिष्ट पदार्थ है और अनुसूची 'छ' में विनिर्दिष्ट पदार्थ नहीं है, तो 'विष' शब्द का लेबल लगाया जाएगा ।

(ख) यदि इसमें अनुसूची 'छ' में विनिर्दिष्ट पदार्थ है तो 'सावधान' इस निर्मित को चिकित्सा पर्यवेक्षण के अधीन के सिवाय लेना खतरनाक है[2] लेबल लगाया जाएगा ।

(ग) यदि इसमें अनुसूची 'ज' में विनिर्दिष्ट पदार्थ है तो निम्नलिखित शब्दों का लेबल लगाया जाएगा—

'अनुसूची ज औषधि'

'चेतावनी —केवल रजिस्ट्रीकृत चिकित्सा व्यवसायी के औषध पत्र पर फुटकर में विक्रय के लिए'

(घ) यदि इसमें अनुसूची ङ के स्तम्भ 1 में विनिर्दिष्ट पदार्थ उसके स्तंभ 2 में विनिर्दिष्ट से शक्ति में कम हैं तो इन शब्दों का लेबल लगाया जाएगा :—

"सावधान—कथित मात्रा से अधिक लेना खतरनाक है ।"

(ङ) यदि इसमें अनुसूची ठ में विनिर्दिष्ट पदार्थ है तो निम्नलिखित शब्दों का लेबल लगाया जाएगा :—

"अनुसूची ठ औषध"

"चेतावनी—केवल रजिस्ट्रीकृत चिकित्सा व्यवसायी के औषध-पत्र पर फुटकर में विक्रय के लिए ।"

परन्तु यदि निर्मित किसी सम्पुटक में रखी गई है और इसमें अनुसूची छ या अनुसूची ज या अनुसूची ठ में विनिर्दिष्ट पदार्थ है तो यह पर्याप्त होगा यदि लेबल के ऊपरी दांए हाथ की और कोने पर अनुसूची छ, अनुसूची ज, अनुसूची ठ का प्रतिनिधित्व करते हुए क्रमशः केवल छ, ज, या प्रतीक ठ प्रमुख रूप में प्रतीत हों ।

(2) बाह्य उपयोग के लिए एम्ब्रोकेशन, लिनिमेंट, लोशन, द्रव्य ऐण्टिसेप्टिक या अन्य द्रव्य औषध का आधान जो मानवीय बीमार के उपचार के लिए तैयार किया गया है उस पर इन शब्दों का लेबल लगाया जाएगा "केवल बाह्य उपयोग के लिए" और यदि औषध में अनुसूची ङ में विनिर्दिष्ट पदार्थ है तो आधान पर इन शब्दों का लेबल लगाया जायगा 'विष केवल बाह्य उपयोग के लिए ।

(3) किसी जानवर के केवल उपचार के लिए तैयार औषधिके आधान पर इन शब्दों का सहजदृश्य रूप से लेबल लगाया जाएगा: "मानव के प्रयोग के लिए नहीं, केवल जानवर उपचार के लिए" और उस पर घरेलू जानवर के सिर को चित्रित करने वाला एक प्रतीक होगा ।

(4) किसी औषध का आधान जो उपचार के लिए तैयार नहीं किया गया है, तो यदि औषध में अनुसूची ङ में विनिर्दिष्ट पदार्थ है, तो उस पर 'विष' शब्द का लेबल लगाया जाएगा ।

**स्पष्टीकरण** :—औषध उपचार के लिए तैयार किया गया समझा जाएगा यदि वह तैयार बनाया गया है और तैयार प्रयोग के लिए मात्रा का लेबल लगाया गया है चाहे वह तनूकरण के पश्चात् या उसके सिवाय हो ।

(5) मानवीय बीमारी के उपचार के लिए तैयार किए गए औषध के आधान पर यदि उस औषध में औद्योगिक मैथेलेटेड स्पिरिट है तो लेबल पर इस तथ्य का संकेत होगा और "केवल बाह्य प्रयोग के लिए" इन शब्दों का उस पर लेबल लगाया जाएगा ।

(iii) नियम 105 के स्थान पर निम्नलिखित नियम प्रतिस्थापित किया जायेगा, अर्थात् :—

"105 :—**औषधि को पैक करना**

विक्रय के लिए विनिर्मित औषधियां, फुटकर विक्रय के लिए आशयित आधानों में पैक की जायेंगी ।"

(iv) नियम 109 के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

"109—**लेबल लगाना**.—(1) निम्नलिखित विशिष्टियां और ऐसी विशिष्टियां, यदि कोई हों, जो यथास्थिति अनुसूची च या अनुसूची च (1) में विनिर्दिष्ट हैं प्रत्येक फायल, संपुटक या अनुसूची ग में विनिर्दिष्ट पदार्थ के अन्य आधानों के लेबल पर और प्रत्येक अन्य आवेष्टक पर जिसमें ऐसा फायल, संपुटक या आधान पैक किया गया है, मुद्रित की जायेंगी या अमिट स्याही में लिखी जायेंगी ।

(क) जहां औषधि का आयात किया गया है वहां जिस के अधीन इसका आयात किया गया है उस अनुज्ञप्ति की संख्या के पहले "आयात अनुज्ञप्ति" शब्द होंगे :

परन्तु यदि किसी लेबल या आधान पर या किसी आवेष्टन में जिसमें आधान पैक किया गया है या उसके साथ संलग्न विज्ञापन के किसी अन्य मामले में भारत के बाहर किसी भी प्राधिकारी द्वारा अनुदत्त किसी अन्य आयात-अनुज्ञप्ति संख्या के प्रति कोई निर्देश नहीं किया जाएगा :

(ख) जहां इन नियमों द्वारा एककों में शक्ति का परीक्षण किया जाना अपेक्षित है वहां यथास्थिति अनुसूची च या अनुसूची च(ii) में विनिर्दिष्ट गणक निर्मिति के संबंध के रूप में परिभाषित एककों में शक्ति का विवरण :

परन्तु यह खंड वैक्सीन लसीका या शल्य-चिकित्सीय बंध और सर्जिन के मामले में लागू नहीं होगा :

(ग) जहां शक्ति या अधिकतम विषालुता के लिए परीक्षण अपेक्षित है वहां वह तारीख जिस तक पदार्थ यदि उचित दशाओं के अधीन रखा गया है तो इसमें उस आधान के लेबल पर यथास्थिति कथित शक्ति से अन्यून शक्ति प्रतिधारित करने या परीक्षण द्वारा अनुज्ञात से अधिक विषालुता अर्जित करने की अपेक्षा होगी । समाप्ति की तारीख, मास और वर्ष के रूप में होगी और इसका तात्पर्य यह होगा कि औषधि की मास के अंतिम दिवस तक उपयोग के लिए सिफारिश की गई है । समाप्ति की तारीख के पूर्व 'समाप्त होता है' शब्द होंगे :

परन्तु इन नियमों की कोई भी बात पैक करने, परिवहन या परिदान के एकमात्र प्रयोजन के लिए प्रयुक्त किसी लपेटन, केस या अन्य आवेष्टक के पारदर्शी ढक्कन पर लेबल लगाने के लिए अपेक्षित नहीं समझी जाएगी ।

(2) पूर्ववर्ती उपनियम के खंड (क) में वर्णित विशिष्टियां वैक्सीन लसीका के आधान पर लगे लेबल पर या किसी पैकेज पर लगाए गए लेबल या लपेटन पर जिसमें आधान विक्रय के लिए दिया जाता है या तो मुद्रित की जायेंगी या अमिट स्याही में लिखी जायेंगी । उक्त विशिष्टियां शल्य चिकित्सीय बंध या सर्जिन के मोहरबंद आधान पर अमिट रूप से चिह्नित की जायेंगी या उसके साथ संलग्न लेबल पर मुद्रित की जायेंगी या अमिट स्याही से लिखी जायेंगी ।

(3) निम्नलिखित विशिष्टियां और ऐसी अन्य विशिष्टियां, यदि कोई हों, जो यथास्थिति अनुसूची च या अनुसूची च(1) में विनिर्दिष्ट हैं या तो अनुसूची ग में विनिर्दिष्ट किसी पदार्थ के आधान पर लग लेबल पर या किसी पैकेज पर लगाए गए लेबल या लपेटन पर जिसमें ऐसा कोई आधान विक्रय के लिए दिया जाता है मुद्रित की जायेंगी या अमिट स्याही में लिखी जायेंगी :—

(क) जहां इन नियमों द्वारा अधिकतम विषालुता का परीक्षण अपेक्षित हो वहां इस बात का एक कथन की पदार्थ ऐसे परीक्षण को पूरा करता है ।

(ख) वह तारीख, जिसको किसी विशेष समूह का विनिर्माण जिसमें आधान में पदार्थ दिया गया है, अनुसूची च या अनुसूची च(2) में, यथापरिभाषित पूरा हो गया था या यदि इस नियम में इसके पश्चात् यथापरिभाषित अनुसूची च या अनुसूची च(1) में कोई परिभाषा नहीं है और सांदण से निर्मित वैक्सीन को दशा में अंतिम उत्पाद के पूरा होने और निर्गम के लिए बोतल भरने की तारीख ।

(ग) जहां कोई एंटीसेप्टिक पदार्थ जोड़ा गया है तो जोड़े गए पदार्थ का स्वरूप और प्रतिशत अनुपात ।

(घ) इस नियम के उपनियम (1) के खंड (ग) में उपदर्शित की गई तारीख तक अन्तर्वस्तुओं के गुणधर्म के परिरक्षण के लिए आवश्यक पूर्वाविधानियां ।

(4) अंतिम पूर्ववर्ती उपनियम के खंड (क) के प्रयोजन के लिए वह तारीख जिसको किसी बैच का विनिर्माण पूरा हो गया है निम्नलिखित तारीख होगी :—

(क) ऐसी दशा में जहां इन नियमों द्वारा शक्ति या विषालुता के लिए परीक्षण अपेक्षित हो या न हो, किन्तु अनुज्ञप्ति अधिकारी द्वारा ऐसे अपेक्षित किया जाना विनिर्माण के पूरा करने की तारीख नियत करने के प्रयोजन के लिए पर्याप्त स्वीकार किया जाता है, वह तारीख जिसको परीक्षण पूरा हुआ था या वह तारीख जिसकी उस समय से जब अंतिम परीक्षण पूरा हुआ था दो वर्ष से अनधिक की निरन्तर कालावधि के लिए 50° से अनधिक के तापमान में रखे जाने के पश्चात् पदार्थ शीतसंग्रहागार से हटाया गया था ।

(ख) ऐसी दशाओं में जहां ऐसा कोई परीक्षण अपेक्षित या स्वीकार न हो (i) यदि जीवित जानवरों से प्राप्त पदार्थ सीरम है तो वह पूर्वतम तारीख, जिसको कोई पदार्थ जिससे बैच का निर्माण हुआ है, जानवर से निकाला गया था, (ii) यदि कृत्रिम माध्यम पर जीव की वृद्धि द्वारा पदार्थ प्राप्त किया गया था तो वह पूर्वतम तारीख जिसको बैच को निर्माण करने वाली किसी सामग्री की वृद्धि समाप्त हो गई थी, और (iii) यदि कार्बालाइज एन्टीरेबिक वैक्सीन की निर्मिति में प्रयुक्त मस्तिष्क भूसी का पदार्थ हो तो वह पूर्वतम तारीख जिसको कोई बैच का निर्माण करने वाला कोई मस्तिष्क पदार्थ पैसेज जानवर से निकाला गया था ;

परन्तु ऐसी दशाओं में जहां ऐसा कोई परीक्षण अपेक्षित या स्वीकृत न हो वहां यदि पदार्थ की कोई बैच (इस बैच का निर्माण करनेवाले सभी पदार्थों को सम्मिलित करके) उस पूर्वतम साक्ष्य तारीख से, यथास्थिति, जिसकी जानवर से पदार्थ निकाला गया था या जिसको पदार्थ में वृद्धि समाप्त हो गई थी, उसके पश्चात् तीन वर्ष से अनधिक की अवधि के लिए निरंतर 5° से से अनधिक तापमान पर शीत संग्रहागार में रखी गई है तो शीत संग्रहागार से हटाएजाने की तारीख वह तारीख समझी जाएगी जिसको उस बैच का विनिर्माण पूरा होता है ।

(ग) अन्य सभी मामलों में, वह तारीख जिसकी पदार्थ आधान में भरा जाता है ।

(v) नियम 122 में, खंड (ख) का लोप किया जाएगा, और खंड (ग), (घ) और (ङ) उसके क्रमशः खंड (ख), (ग) और (घ) के रूप में पुनः संख्यांकित किए जायेंगे :

(vi) अनुसूची च में, भाग 4 में,

भाग (ख) में खंड 4 (2) में "नियम 109 (i) (ङ)" पद के स्थान पर निम्नलिखित पद प्रतिस्थापित किया जायेगा, अर्थात् :—

"नियम 109 (i) (ग) : "

(ख) भाग (ग) में, खंड 3(2) में "नियम 109 (i) (ङ)" पद के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

"नियम 109 (i) (ग) :"

(ग) भाग (घ) में, खंड 3(2) में "नियम 109 (i) (ङ)" पद के स्थान पर निम्नलिखित पद प्रतिस्थापित किया जाएगा, अर्थात् :—

"नियम 109 (i) (ग) :"

(घ) भाग (ङ) में, खंड 4(2) में "नियम 109 (i) (ङ)" पद के स्थान पर निम्नलिखित पद प्रतिस्थापित किया जायेगा, अर्थात् :—

"नियम 109 (i) (ग) :"

(ङ) भाग (च) में खंड 4(2) में "नियम 109(i) (ङ)" पद के स्थान पर निम्नलिखित पद प्रतिस्थापित किया जाएगा, अर्थात् :—

"नियम 109 (i) (ग) :"

(च) भाग (छ) में, खंड (4) (2) में "नियम 109 (i) (ङ)" पद के स्थान पर निम्नलिखित पद पतिस्थापित किया जायेगा, अर्थात् :—

"नियम 109 (i) (ग)"

(छ) भाग (ज) में, खंड 4(2) में "नियम 109 (i) (ङ)" पद के स्थान पर निम्नलिखित पद प्रतिस्थापित किया जाएगा, अर्थात् :—

"नियम 109 (i) (ग)"

(ज) भाग (झ) में, खंड 6(3) में "नियम 109 (i) (ङ)" पद के स्थान पर निम्नलिखित पद प्रतिस्थापित किया जायेगा, अर्थात् :—

"नियम 109 (i) (ग)" :

(झ) भाग (ज) में, खंड 6(3) में "नियम 109 (i) (ङ)" पद के स्थान पर निम्नलिखिक्र पद प्रतिस्थापित किया जायेगा, अर्थात् :—

"नियम 109 (i) (ग)" :

(ञ) भाग (ट) में, खंड 4(2) में "नियम 109 (i) (ङ)" के स्थान पर निम्नलिखित पद प्रतिस्थापित किया जाएगा, अर्थात् :—

"नियम 109(i) (ग)"

[सं० 1-62/70-डा]

*New Delhi, the 5th June 1972.*

Whereas certain draft rules, as specified in column 2 of the Schedule annexed hereto, further to amend the Drugs and Cosmetics Rules, 1945, were published, as required by sections 12 and 33 of the Drugs and Cosmetics Act, 1940(23 of 1940), in different issues of the Gazette of India (as specified in the corresponding entries in column 5 of the said Schedule) inviting all persons likely to be affected thereby to make objections or suggestions by the date in the corresponding entries in column 7 of the Schedule aforesaid;

And whereas the said Gazettes were made available to the public on the corresponding dates specified in column 6, of the Schedule aforesaid;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely:—

1. (1) These rules may be called the Drugs and Cosmetics (First Amendment) Rules, 1972.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Drugs and Cosmetics Rules, 1945;

(i) in clause (ee) of rule 2,

(i) in sub-clause (ii), after the word 'medicine' the "excluding the Homoeopathic system of medicine";

(ii) in sub-clause (iii) after the words 'medical register', the following shall be inserted, namely:—

", other than a register for the registration of Homocopathic practitioners,";

(ii) in rule 3A, after sub-rule (2) the following sub-rule shall be inserted, namely:—

"(3) The functions of the laboratory in respect of condoms shall be carried out at the Central Indian Pharmacopoeia Laboratory, Ghaziabad and the functions of the Director in respect of the said condoms shall be exercised by the Director of the said Laboratory.";

(iii) after rule 32, the following rule shall be inserted, namely:—

"32A. *Packing and labelling of Homoeopathic medicine.*—No Homoeopathic medicine shall be imported unless it is packed and labelled in conformity with the rules in Part IX-A.";

(iv) in sub-rule (1) of rule 45, after the word 'drugs,' the words "and Cosmetics" shall be inserted;

(v) in rule 49.—

(i) in the first proviso for the words 'in the manufacture and the words' in the manufacture or' shall be substituted,

(ii) after the second proviso the following proviso shall be inserted, namely:—

"Provided further that any person appointed as Inspector in terms of the preceding proviso may be allowed to hold his post after the said period of four years, if the State Government is satisfied that he possesses adequate knowledge and competence as Inspector to inspect the manufacture of items mentioned in Schedule C";

(vi) for rule 50, the following rule shall be substituted, namely:—

"50. *Controlling authority.*—(1) All Inspectors appointed by the Central Government shall be under the control of an officer appointed in this behalf by the Central Government.

(2) All Inspectors appointed by the State Government shall be under the control of an officer appointed in this behalf by the State Government.

(3) For the purposes of these rules an officer appointed by the Central Government under sub-rule (1), or as the case may be, an officer appointed by the State Government under sub-rule (2), shall be a controlling authority.";

(vi) for the proviso to sub-rule (3) of rule 59 the following proviso shall be substituted, namely:—

"Provided that if the applicant applies for the renewal of a licence after its expiry but within six months of such expiry the fee payable for renewal of such licence shall be rupees twenty plus an additional fee at the rate of rupees twenty per month or part thereof, and in the case of it inerrant vendor or an applicant desiring to open a shop in village or town having a population of 5000 or less the fee shall be rupees five plus an additional fee at the rate of rupees five per month or part thereof.";

(viii) for the proviso to rule 63 the following proviso shall be substituted, namely:—

"Provided that if the application for renewal of licence in force is made before its expiry or if the application is made within six months of its expiry, after payment of additional fee, the licence shall continue to be inforce until orders are passed on the application. The licence shall be deemed to have expired if application for its renewal is not made within six months after its expiry.";

(i) for sub-rule (3) the following shall be substituted, namely:—

"(3)(1) The supply of any drug on a prescription of a registered medical practitioner shall be recorded at the time of supply in a prescription register specially maintained for the purpose and the serial number of the entry in the register shall be entered on the prescription. The following particulars shall be entered in the register:—

(a) serial number of the entry,

(b) the date of supply,

(c) the name and address of the prescriber.

(d) the name and address of the patient,

(e) the name of the drug or preparation and the quantity or in the case of a medicine made up by the licensee, the ingredients and quantities thereof,

(f) in the case of a drug specified in Schedule C, or Schedule H or Schedule L the name of the manufacturer of the drug, its batch number and the date of expiry of potency, if any,

(g) the sinature of the qualified person by or under whose supervision the medicine was made up or supplied:

Provided that in the case of drug which are *not* compounded in the premises and which are supplied from or in the original containers the particulars specified in items (a) to (g) above may be entered in a cash or credit memo book, serially numbered and specially maintained for this purpose:

Provided further that if the medicine is supplied on a prescription on which the medicine has been supplied previous occasion and entries made in the prescription register, it shall be sufficient if the new entry in the register includes a serial number, the date of supply the quantity supplied and a sufficient reference to an entry in the register recording the dispensing of the medicine on the previous occasion:

Provided further that it shall not be necessary to record the above details in the register or in the cash or credit memo particulars in respect of:—

(i) any drugs supplied against prescribed under the Employees State Insurance Scheme if all the above particulars are given in that prescription, and

(ii) any drugs other than that specified in Schedule C, E or L if it is supplied in the original unopened container of the manufacturer and if the prescription is duly stamped at the time of supply with the name of the supplier and the date on which the supply was made and on condition that the provisions of sub-rule 4(3) of this rule are complied with.

(2) The option to maintain a prescription register or a cash or credit memo book in respect of drugs and medicines which are supplied from or in the original container, shall be made in writing to the Licensing authority at the time of application for the grant or renewal of the licence to sell by retail:

Provided that the Licensing authority may require records to be maintained only in prescription register if it is satisfied that the entries in the carbon copy of the cash or credit memo book are not legible.";

(ii) after sub-rule (11), the following sub-rule shall be inserted, namely:—

"(11-A) No person dispensing a prescription containing substances specified in Schedule H or L, may supply any other preparation, whether containing the same substance or not in lieu thereof.";

(iii) in sub-rule (12), for the words "Substances specified in Schedule E", the following words shall be substituted, namely:—

"Substances specified in Schedule E other than in a form ready for internal or external use and.";

(x) after rule 65, the following rule 65A shall be inserted, namely:—

65A. *Additional information to be furnished by an applicant for licence or a licensee to the licensing authority.*—The applicant for the grant of a licence or any person granted a licence under this Part shall, on demand, furnish to the licensing authority, before the grant of the licence or during the period the licence is in force, as the case may be, documentary evidence in respect of the ownership of occupation or rental or other basis of the premises, specified in the application for licence or in the licence granted, constitution of the firm, or any other relevant matter which may be required for the purpose of verifying the correctness of the statements made by the applicant or the licensee while applying for or after obtaining the licence, as the case may be.";

(xi) in rule 66 in sub-rule (1), for the proviso, the following proviso shall be substituted, namely:—

"Provided that, where such failure or contravention is the consequence of an act or omission on the part or an agent or employee, the licence shall *not* be cancelled or suspended if the licensee proves to the satisfaction of the licensing authority;

(a) that the act or omission was not instigated or connived at by him or, if the licensee is a firm or company, by a partner of the firm or a director of the company, or

(b) that he or his agent or employee had not been guilty of any similar act or omission within tweleve months before the date on which the act or omission in-question took place, or where his agent or employee had been guilty of any such act or omission, the licensee had not or could not reasonable have had, knowledge of that previous act or omission, or

(c) if the act or omission was a containing act or omission, he had not or could not reasonably have had knoweldege of that previous act or omission, or

(d) that he had used due diligence to ensure that the conditions of the licence or the provisions of the Act or the rules thereunder were observed.";

(xii) for the proviso to sub-rule (2) of rule 67-A the following proviso shall be substituted, namely:—

"Provided that if the applicant applied for renewal of licence after its expiry but within six months of such expiry the fee payable for renewal of such licence shall be rupees five plus an additional fee at the rate of rupees five per month or part thereof.";

(xiii) for the proviso to rule 6-E the following proviso shall be substituted, namely:—

"Provided that if the application for renewal of a licence in force is made before its expiry or if the application is made within six months of its expiry, after payment of additional fee, the licence shall continue to be in force until orders are passed on the application and the licence shall be deemed to have expired if application for its renewal is not made within six months after its expiry.";

(xiv) after rule 67-G, the following rule shall be inserted, namely:—

"67-GG. *Additional information to be furnished by an applicant for licence or a licensee to the licensing authority.*—The applicant for the grant of a licence or any person granted a licence under this Part shall, on demand, furnish to the licensing authority, before the grant of the licence or during the period the licence is in force, as the case may be, documentary evidence in respect of the ownership or occupation on rental or other basis of the premises, specified in the application for licence or in the licence granted, constitution of the firm, or any other relevant matter, which may be required for the purpose or verifying the correctness of the statements made by the applicant or the licensee, while applying for or after obtaining the licence, as the case may be.";

(xv) in rule 67-H in sub-rule (1) for the proviso, the following proviso shall be substituted, namely:—

"Provided that, where such failure or contravention is the consequence of an act or omission on the part of an agent or employee, the licence shall not be cancelled or suspended of the licensee proves to the satisfaction of the licensing authority:—

(a) that the act or omission was not instigated or company, by a partner of the firm or a director of the company, or

(b) that he or his agent or employee had not been guilty of any similar act or omission within twelve months before the date on which the act or omission in question took place, or where his agent or employee had been guilty of any such act or omission, the licensee had not or could not reasonably have had, knowledge of that previous act or omission, or

(c) if the act or omission was continuing act or omission, that he had not or could not reasonably have had knowledge of that previous act or omission, or

(d) that he had used due diligence to ensure that the conditions of the licence or the provisions of the Act or the rules thereunder were observed.";

(xvi) in rule 69,

(i) for sub-rule (2), the following sub-rule shall be substituted, namely:—

"(2) Every application in Form 24-B shall be accompanied by a fee of rupees forty and an inspection fee of rupees ten for first inspection or rupees five in the case of inspection for renewal of licences and every application in Form 24 shall be accompanied by a fee of rupees two hundred and an inspection fee of rupees fifty for first inspection or rupees twenty-five in the case of inspection for renewal of licences.";

(ii) for sub-rule (3) the following sub-rule shall be substituted, namely:—

"(3) If a person applies for the renewal of a licence after its expiry but within six months of such expiry, the fee payable for the renewal of such licence shall be in the case of Form 24-B, rupees forty plus an additional fee at the rate of rupees twenty per month or part thereof in addition to the inspection fee and, in the case of Form 24, rupees two hundred plus an additional fee at the rate of rupees one hundred per month or part thereof in addition to the inspection fee.";

(xvii) in sub-rule (1) of rule 69-A before the Explanation, the following proviso shall be inserted, namely:—

"Provided that if the applicant applies for the renewal of a licence after its expiry but within six months of such expiry the fee payable for renewal of such licence shall be rupees one hundred plus an additional fee at the rate of rupees fifty per month or part thereof.";

(xviii) in rule 71A for clause (2) the following clause shall be substituted, namely:—

"(2) the factory premises shall comply with the conditions prescribed in Schedule M, and."

(xix) for the proviso to rule 72 the following proviso shall be substituted, namely:—

"Provided that if the application for the renewal of a licence is made before its expiry, or if the application is made within six months of its expiry, after payment of additional fee, the licence shall continue to be in force until orders are passed on the application and the licence shall be deemed to have expired if the application for its renewal is not made within six months of its expiry.";

(xx) for the proviso to rule 73-AA the following proviso shall be substituted, namely:—

"Provided that if the application for the renewal of a licence is made before its expiry or if the application is made within six months of its expiry, after payment of the additional fee, the licence shall continue to be in force until orders are passed on the application and the licence shall be deemed to have expired if the application for its renewal is not made within six months of its expiry.";

(xxi) for the proviso to rule 75 the following proviso shall be substituted, namely:—

"Provided that if the applicant applies for renewal of licence after its expiry but within six months of such expiry, the fee payable for renewal of the licence shall be rupees three hundred plus an additional fee at the rate of rupees two hundred per month or a part thereof of in addition to the inspection fee.";

(xxii) in sub-rule (1) of rule 75-A before the Explanation, the following proviso shall be inserted, namely:—

"Provided that if the applicant applies for the renewal of a licence after its expiry but within six months of such expiry the fee payable for renewal of the licence shall be rupees three hundred plus an additional fee at the rate of rupees two hundred per month or a part thereof.";

(xxiii) for the proviso to rule 77 the following proviso shall be substituted, namely:—

"Provided that if the application for the renewal of a licence is made before its expiry, or if the application is made within six months of its expiry, after payment of additional fee, the licence shall continue to be in force until orders are passed on the application and the licence shall be deemed to have expired if the application for its renewal is not made within six months of its expiry.";

(xxiv) for the proviso to rule 83-AA the following proviso shall be substituted, namely:—

"Provided that if the application for the renewal of a licence is made before its expiry, or if the application is made within six months of its expiry, after payment of the additional fee, the licence shall continue to be in force until orders are passed on the application and the licence shall be deemed to have expired if the application for its renewal is not made within six months of its expiry.";

(xxv) after rule 84, the following rules shall be inserted, namely:—

"84-A. *Provision for appeal to the State Government by party whose licence has not been granted or renewed.*—Any person who is aggrieved by the order passed by the licensing authority refusing to grant or renew a licence in Forms 25, 25-A, 25-B, 26, 26-A, 26-B, 28 and 28-A may within thirty days from the date of receipt of such order, appeal to the State Government and the State Government may, after such enquiry into the matter as it considers necessary and after giving the said person an opportunity for representing his views in the matter, make such order in relation thereto as it thinks fit.

84-*AA Additional information to be furnished by an applicant for licence or a licensee to the licensing authority.*—The applicant for the grant of a licence or any person granted a licence under this Part shall, on demand, furnish to the licensing authority, before the grant of the licence or during the period the licence is in force, as the case may be, documentary evidence in respect of the ownership or occupation on rental or other basis of the premises, specified in the application for licence or in the licence granted, constitution of the firm, or any other relevant matter, which may be required for the purpose of verifying the correctness of the statements made by the applicant or the licensee, while applying for or after obtaining the licence, as the case may be.";

(xxvi) for sub-rule (3) of rule 85B the following sub-rule shall be substituted, namely:—

"(3) If a person applies for renewal of a licence after its expiry but within six months of such expiry, the fee payable for the renewal of such a licence shall be:

(i) rupees forty plus an additional fee at the rate of rupees twenty per month or part thereof for the manufacture of Homoeopathic mother tinctures and potentised preparations; and

(ii) rupees twenty plus an additional fee at the rate of rupees ten per month or part thereof for the manufacture of potentised preparations only.";

(xxvii) for the proviso to rule 85F, the following proviso shall be substituted, namely:—

"Provided that if the application for renewal of a licence in force is made before its expiry or if the application is made within six months of its expiry, after payment of additional fee, the licence shall continue to be in force until orders are passed on the application and the licence shall be deemed to have expired if application for its renewal is not made within six months of its expiry.";

(xxviii) after rule 85H, the following rule shall be inserted, namely:—

"85H. *Additional information to be furnished by an applicant for licence or a licensee to the licensing authority.*—The applicant for the grant of licence or any other person granted a licence under this Part shall, on demand, furnish to the licensing authority, before the grant of the licence or during the period the licence is in force, as the case may be, documentary evidence in respect of the ownership or occupation in rental or other basis of the premises, specified in the application for licence or in the licence granted, constitution of the firm, or any other relevant matter which may be required for the purpose of verifying the correctness of the statements made by the applicant or the licensee, while applying for or after obtaining the licence as the case may be.";

(xxix) in rule 96, after sub-rule (1) the following sub-rule shall be inserted, namely:—

"(1-A) (a) The particulars to be printed or written on the label of condoms shall be as specified in Schedule R.

(b) The following further particulars shall be either printed or written in indelible ink and shall appear in a conspicuous manner on the label of the inner-most container and on every other covering in which the container containing the contraceptives, other than condoms, is packed, namely:—

(i) the date of manufacture

(ii) the date upto which the contraceptive is expected to retain its properties

(iii) the storage conditions necessary for preserving the properties of the contraceptive up to the date indicated in clause (ii).

Provided that for oral contraceptives it shall be sufficient to display on the label of the container the date of manufacture only.";

(xxx) in rule 106-A, in sub-rule (B), under clause (ii), the following Explanation shall be inserted at the end, namely:—

"*Explanation.*—This clause shall not apply to a Homoeopathic mother tincture manufactured outside India.":

(xxxi) for sub-rule (2) of rule 138, the following sub-rule shall be substituted, namely:—

"(2) If a person applies for the renewal of a licence after expiry but within six months of such expiry, the fee payable for the renewal of such licence shall be rupees two hundred plus an additional fee at the rate of rupees one hundred per month or a part thereof:

Provided that in the case of small scale manufacturer employing not more than five persons the fee payable for the renewal of such licence after its expiry but within six months of such expiry shall be rupees forty plus an additional fee at the rate of rupees twenty per month or a part thereof.";

(xxxii) for the proviso to rule 140 the following proviso shall be substituted, namely:—

"Provided that if the application for renewal of a licence in force is made before its expiry or if the application is made within six months of its expiry, after payment of additional fee, the licence shall continue to be in force until orders are passed on the application and the licence shall be deemed to have expired, if application for its renewal is not made within six months of its expiry.";

(xxxiii) after rule 142, the following rule shall be inserted, namey:—

"142-A. *Additional information to be furnished by an applicant for licence or a licensee to the licensing authority.*—The applicant for the grant of a licence or any person granted a licence under this Part shall, on demand, furnish to the licensing authority, before the grant of the licence or during the period the licence is in force, as the case may be, documentary evidence in respect of the ownership or occupation on rental or other basis of the premises, specified in the application for licence or in the licence granted, constitution of the firm, or any other relevant matter, which may be required for the purpose of verifying the correctness of the statements made by the applicant or the licensee, while applying for or after obtaining the licence as the case may be.";

(xxxiv) after rule 145, the following rules shall be inserted, namely:—

"145-A. *From of intimation for purpose of taking samples of cosmetics.*—Where an Inspector takes a sample of a cosmetics for the purpose of test or analysis, he shall intimate such purpose in writing in Form 17 to the person from whom he takes it.

145-B. *Form of receipt for seized cosmetics.*—A receipt by an Inspector for the stock of any cosmetic seized under clause (c) of sub-section (1) of section 22 of the Act, shall be in Form 16.":

(xxxv) in Schedule A;

(i) for Forms 16 and 17, the following Forms shall be substituted, namely:—

"FORM 16

(*See* rules 55 and 145 B)

*Receipt of stock of drugs/cosmetics seized under Section 22(1)(c) of the Act.*

The stock of drugs/cosmetics detailed below has this day been seized by me under the provisions of clause (c) of sub-section (1) of section 22 of the Drugs and Cosmetics Act 1940, from the premises of..... situated at.....

Date..... Inspector.....

Details of drugs/cosmetics seized

Date..... Inspector.....

FORM 17

(*See* rules 56 and 145-A)

*Intimation to person from whom sample is taken*

To

.....
.....
.....

I have this day taken from the premises of..... situated at.....samples of the drugs/cosmetics specified below for the purpose of test of analysis.

Date..... Inspector.....

Details of/samples taken

Date..... Inspector.....

(ii) in Form 21,

(a) for para 1, the following shall be substituted, namely:—

"1. .....is hereby licensed licensed to sell, stock or exhibit for sale or distribute by retail the following categories of drugs specified in Schedules C and C(1) to the Drugs and Cosmetics Rules, 1945* and to operate a pharmacy on the premises situated at..... .....subject to the conditions specified below and to the provisions of the Drugs and Cosmetics Act, 1940 and the rules thereunder.";

(b) for para 4, the following shall be substituted, namely:—

"4. Categories of drugs..... .

(c) after the entry "Licensing Authority", the entry "*" Delete if not applicable "shall be inserted.";

(xxxvi) in Schedule F,

(i) in Part I, for Section (B) the following shall be substituted, namely:—

"(B) *Provisions Applicable to Vaccinum Variolae (Smallpox Vaccine)*

*Definitions*

1. *International name and proper name.*—The International name of the preparation shall be 'Vaccinum Variolae' and the proper name shall be "Smallpox Vaccine."

2. *Descriptive definition.*—Vaccinum Variolae (Smallpox Vaccine) is a dried preparation of vaccinia virus grown in the skin of living animals or in the membranes of the chick embryo or in the vitro cultures of suitable tissues and the preparation shall satisfy all the requirements formulated below.

3. *International standard and reference preparation.*—The International Reference Preparation of Smallpox Vaccine (Established in 1962) is dispensed in ampoules in ampoules containing 4 mg of freeze-dried smallpox vaccine. This reference preparation is in the custody of the International Laboratory for Biological Standards, States Serum Institute, Copenhagen. The International Reference Preparation is intended for the calibration of reference preparation for use in this country in the manufacture and laboratory control of Smallpox Vaccine.

4. *Terminology.*

(1) *Primary seed lot* means a quantity of virus adapted to, and grown on the skin of a living animal, which has been processed together and has a uniform composition.

(2) *Secondary seedlot* means a quantity of virus grown in the skin of living animals or in the chorioallantoic membranes of chick embryos or in tissue cultures, which is uniform with respect to composition and is not more than 5 passages removed from a primary seed lot.

(3) *Single harvest* means a quantity of material harvested from one animal or a quantity of material harvested from a group of chick embryos or tissue cultures inoculated, incubated and harvested together.

(4) *Bulk material* means the material at any stage after harvesting and before filling into final containers. Bulk material may be prepared from one or a number of single harvests.

(5) *Final bulk* means a quantity of vaccine after completion of preparations for filling and present in the container from which the final containers are filled.

(6) *Filling lot (final lot)* means a collection of sealed final containers that are homogeneous with respect to the risk of contamination during filling or drying. A filling lot shall, therefore, have been filled in one working session and have been dried together.

(7) *Pock-forming unit* means the smallest quantity of virus suspension that will produce a single pock on the chick chorioallangtoic membrance.

(8) *Plaque-forming unit (PFU)* means the smallest quantity of virus suspension that will produce a single primary plaque in monolayer cell cultures.

5. *General Manufacturing Requirements.*

Subject to the other provisions of the rules the manufacturer of Smallpox Vaccine shall maintain the staff, premises and equipment as laid down in Schedule M and shall also comply with the provisions contained in Part I(A) of this Schedule in so far as it is applicable to the manufacture of Smallpox Vaccine

6. *Production Control.*

(A) *Control of Source materials Virus strains.*

(1) The strains of virus used in the production of all seed lots shall be identified by historical records. They shall have been shown to the satisfaction of the licensing authority to yield immunogenic vaccines which produce typical vaccinal lesions in the skin of man followed by insusceptibility to subsequent challenge by revaccination with a strain of virus known to protect man against variols. The strains shall produce a characteristic vesicular eruption in the skin of rabbits and reproducible characteristic pock lesions in the chorioallantoic membrane of chick embryos. In addition, the vaccine strains shall be characterized by serological tests and animal inoculation.

(2) Records shall be maintained of all tests made periodically for verification of strain character.

(3) The strain used for vaccine production should be one that has never shown a greater tendency to produce generalized lesions or lesions of the nervous system in either man or animals than other strains of vaccinia virus which have been found to be satisfctory without producing severe local lesions and marked systemic disturbance. Strains of so-called 'neurovaccine' shall be excluded.

7. *Animals or tissues for the production of seed virus and vaccine.*

(1) Only healthy animals or tissues from healthy animals, susceptible to ectodermal inoculations with vaccinia virus, or chick embryos obtained from healthy flocks shall be used for vaccine production. They shall conform to all the requirements given in Para 10 of these standards. If cell cultures are used for vaccnie production they shall be shown to be free from detectable adventitious agents.

(2) Different species of animals may be used for vaccine production or for preparing seed virus. Calves, sheep, buffaloes, donkeys and rabbits may be used successfully.

(3) The chorio-allantoic membrane of the developing chick embryo and tissues from the embryos or young animals of susceptible species may also be suitable for virus propagation.

8. *Seed lot system.*

(1) A Primary seed lot shall be used as original material for the preparation of a Secondary seed lot. The Secondary seed lot shall be not more than five passages removed from a Primary seed lot. If vaccine is produced in the skin of a living animal the Secondary seed lot shall be prepared from the Primary seed lot without passage in chick embryos or tissue cultures. Vaccine shall be prepared from a seed lot without intervening passage.

(2) Seed lots should be maintained either in dried, frozen, or glycerinated form. If a glycerinated seed lot is used it shall be kept continuously at a temperature below O°C.

9. *Tests on seed lots for the presence of extraneous micro-organisms.*

(1) The seed lot in the dilution used as inoculum for the production of vaccine in the skin of animals, shall satisfy the requirements of para 14 of these standards.

(2) The seed lot used for the production of vaccine in chick embroyos or in tissue cultures shall after rehydration if applicable, satisfy the requirements of para 19.

10. (B) Production precautions to be taken in the production of Smallpox Vaccine in matters relating to cleanliness of the premises, rooms, apparatus, equipments and materials, and the precautions against contamination shall be such as to ensure the purity, sterility and strength of the Vaccine and shall be approved by the licensing authority, with the following additional precautions, namely:—

(1) *Where Vaccines produced in the skin of living animals.*

(a) The animals shall be freed of ectoparasites, and each animal shall be kept in quarantine under veterinary supervision for at least two weeks prior to the inoculation of the seed virus. Before inoculation the animals shall be cleaned and thereafter kept in scrupulously clean stalls until the vaccinal material is harvested.

(b) During a period of five days before inoculation and during incubation the animals shall remain under veterinary supervision. They shall remain free from any sign of diseases, and daily rectal temperatures shall be recorded. If any abnormal rise in temperature occurs, or if any clinical sign of disease is observed the production of vaccine from the group of animals concerned shall be suspended until the cause of these irregularities has been resolved. The prophylactic and diagnostic procedures adopted to exclude the presence of infectious disease shall be submitted for approval, to the licensing authority.

(c) The inoculation of seed virus shall be made on such parts of the animals as are not liable to be soiled by urine and faeces. The surface used for inoculation shall be so shaved and cleaned as to procure the nearest possible approach to surgical asepsis. If any antiseptic substance deleterious to the virus is used in the cleaning process it shall be removed by thorough rinsing with sterile water prior to inoculation. During inoculation the exposed surface of the animal not used for inoculation shall be covered with sterile covering.

(d) Before the collection of the vaccinal material, any antibiotic shall be removed and the inoculated area shall be subjected to a repetition of the cleaning process. The uninoculated surfaces shall be covered with sterile covering.

(e) Before harvesting the animal shall be killed painlessly. The animals shall be exsanguinated before harvesting to avoid heavy admixture of the vaccinal material with blood.

(f) The vaccinal material from each animal shall be collected separetely with aseptic precautions.

(g) All animals used in the production of vaccine after being killed shall be examined by autopsy. If evidence of any generalised or systemic disease other than vaccinia is found, the vaccinal material from that animal shall be discarded. If the disease is considered to be a communicable one, the harvest from the entire group of animals exposed shall be discarded.

(2) *Where Vaccines produced in the chick embryon*—

(a) Only eggs from flocks known to be free from disease, including avain leucosis, shall be used.

(b) In particular, it is desirable that the eggs should be derived from flocks free from *salmonella pullorum, Mycobacterium tuberculosis, Rous virus, mycoplasma* and other agents pathogenic for chickens.

(c) Living embryos after incubation for a suitable period shall be inoculated with seed virus which shall satisfy the requirments of paras 8 and 9 of these standards. After further incubation for a suitable period the vaccinal material shall be harvested with aspetic precautions.

(3) *Where Vaccines produced in tissue culture*:—

(a) Only primary tissue cultures from animals known to be free from disease shall be used. The virus shall be drawn and harvested with aseptic precautions. No material of human origin shall be added to the cultures at any stage

(b) Suitable antibiotics in minimum concentrations required for sterility may be used but the use of penicillin and streptomycin is prohibited.

11. *Control of the bulk material*
*Intial treatment.*

(1) The vaccinal material harvested from the skin of each animal shall be sbjected to a treatment designed to reduce its content of living extraneous micro-organisms. If this is necessary it should satisfy the requirements of para 14. No antibiotics shall be added to the bulk material.

(2) The treatment of the vaccine may consist of the addition of a suitable antibacterial substance or of the removal of micro-organisms by centrifugation.

(3) Vaccinal material collected from chick embryos or tissue cultures does not need such treatment, but glycerol or an antibacterial substance should be added as a precaution against later contamination.

12. *Final bulk*

(1) After the initial treatment the vaccine may be subjected to additional processes before dilution of the bulk material.

(2) Before making up a final bulk, it should be necessary to do preliminary tests on the signle harvests for potency and for the presence of living extraneous micro-organisms.

13 *Tests for virus concentration on the final bulk.* The final bulk pass the test for virus concentration described in para 24 of these standards.

14. *Tests for the presence of living extraneous micro-organisms in the Final bulk prepared in the skin of living animals*

The final bulk shall pass the following tests for the presence of living extraneous micro-organisms, unless these tests have already been passed by each of the single harvests represented in the final bulk.

15. *Tests for total bacterial content.*

(1) Suitable dilutions of 1:10 and 1:100 of the final bulk shall be made in a suitable diluent not deleterious to living bacteria. At least three 1 ml samples of each dilution shall be cultured on nutrient-broth-agar plates. The plates shall be incubated for 72 hours between 15°C and 22°C and for a further period of 48 hours between 35°C and 37°C. From the number of colonies appearing on the plates the number of living bacteria in 1 ml of the final bulk shall be calculated. If this number exceeds 500, the final bulk shall be subjected to further treatment or be discarded.

(2) Suitable control plates containing higher dilutions of the final bulk shall be included in this test in order to make sure that the number of colonies appearing on the test plates has not been influenced by the inhibitory action of any preservative present in the final bulk.

16. *Test for the presence of Escherichis Coli*

Atleast three 1 ml samples of a 1:10 dilution of the final bulk shall be cultured in three Mc Conkey liquid media tubes containing 10 ml of the medium for differentiating *E. coli* from other bacteria. The tubes shall be incubated for 48 hours 35°C to 37°C. If *E. coli* is detected, the final bulk shall be subjected to further treatment or be discarded.

17. *Test for the presence of haemolytic streptococci, coagulage-positive stanhyloccoci, or any other nathogenic micro-organisms which are known to be harmful if introduced into the human body by the process of vaccination.*

(1) Undiluted final bulk or vaccine of 0.1 ml each shall be cultured on three blood agar plates and the plates should be incubated at 35 C to 37 C for 2 days. The Colonies appearing after incubation shall be examined critically for B, *anthracis, haemolytic streptococci*, Coagulase positive *Staphylococci* or any other pathogenic micro organisms. If any of these organisms are detected they shall be subjected to confirmatory test.

(2) If any of the organisms mentioned are detected, the final bulk shall be subjected to further treatment or be discarded.

18. *Test for the presence of Clostridium tetani and other pathogenic spore-forming anaerobes.*

(1) 0.5 ml of undiluted final bulk or vaccine shall be added in flasks containing 50 ml of Robertson's Cooked meat medium, the flasks shall then be held at 65°C for one hour and then incubated at 35°C to 37°C for at least one week. At least two flasks shall be used for each test.

(2) In case of any suspected growth, subcultures shall be made on two plates of a suitable medium which shall be incubated anaerobically at the same temperature. All anaerobic colonies shall be examined and identified and if Cl. tetani or other pathogenic spore-forming anaerobes are present the final bulk shall be discarded.

(3) Organisms resembling pathogenic clostridia found in the tube culture from which the subculture was made may be tested for pathogenicity by inoculation into animals as follows: Groups of not less than two guine-pigs and five mice are used for each tube culture to be tested. 0.5 ml. of the culture is mixed with 0.1 ml. of a freshly prepared 4 percent solution of calcium chloride and injected intramuscularly into each of the guinea-pigs; 0.2 ml. of the culture mixed with 0.1 ml of this calcium chloride solution is injected intramuscularly into each of the mice. The animals are observed for one week. If any animal develops symptoms of tetanus, or if any animal dies as a result of infection with spore-forming anaerobes, the final bulk should be discarded.

(4) If other methods are used for this test, they should have been demonstrated to the satisfaction of the licensing authority to be at least equally effective for detecting the presence of *Cl. tetani* and other pathogenic spore-forming anaerobes.

19. *Test for bacteriological sterility of the final bulk prepared in chick embryos or in tissue cultures.*

Each final bulk shall be tested for bacterial sterility according to the requirements given in the Indian Pharmacopoeia for the time being. If growth appears in any of the cultures the final bulk shall be discarded for the test repeated. The final bulk shall be discarded if the same type of arganism appears in more than one test, but no final bulk shall be passed unless the final test shows no growth throughout.

## FILLING AND CONTAINERS

20. *Filling rooms.*

Filling shall be performed in rooms reserved for this purpose. These shall be sterile rooms equipped specifically for transferring measured quantities of finished biological substances from bulk containers to the final containers. Strict dust control measures and aseptic techniques shall be enforced to ensure that the produce is not contaminated during the filling process.

21. *Filling procedures.*

(1) Filling operations shall be conducted in such a way as to avoid any contamination or alteration of the product. They shall take place in areas that are completely separate from those in which living micro-organisms, including viruses, are handled.

(2) The filling process shall be checked at least twice each year at the end of a working day by filling not less than 500 ampoules with a nutrient medium containing no antibiotics or bacteriostatic substances and incubating the complete batch of filled ampoules. Not more than 1 per cent of the ampoules filled in this way should shows signs of contamination and all contaminants should be identified.

(3) All containers of the final vaccine shall be shown to be sterile before filling and shall be made of a material demonstrated, to the satisfaction of the licensing authority, to have no deleterious effect on the vaccine.

(4) Containers of dried vaccine shall be hermetically sealed under vaccum of after filling with pure, dry, oxygen-free nitrogen or any other gas not deleterious to the vaccine.

(5) All hermetically sealed containers shall be tested for leaks after sealing. All defective containers shall be discarded.

(6) Single and multiple-dose containers may be used. Each container of dry vaccine should be issued together with an ampoule of sterile reconstituting fluid. This fluid may contain glycecerol and/or some suitable antiseptic substance. The containers shall be issued in a form that renders the process of reconstitution as simple as possible.

CONTROL TESTS ON FINAL PRODUCT

22. *Identity test.*

(1) An identity test shall be performed on at least one labelled container from each filling lot by appropriate methods.

(2) The test for virus concentration as described in para 24 may serve as an identity test.

(3) A test may also be made in the sacrified skin of rabbits. Suitable dilutions of vaccine shall be applied on sacrified areas of skin. After four to seven days the vaccine should produce lesions characteristic of vaccinia.

23. *Tests for virus concentration on vaccine in final containers.*

(1) A test for virus concentration shall be made on each filling lot in accordance with the requirements described in para 21, for this purpose the dried vaccine shall be reconstituted to the form in which it is to be used for human inoculation before the test is made.

(2) Tests shall be done in parallel with a reference vaccine which has been calibrated against the International Reference Preparation of Smallpox Vaccine.

24. *Test for virus concentration in memberanes of chick embryos.*

At least ten chick embryos, each of about 12 days' incubation, shall be divided into two equal groups. To the chorio-allantoic membrane of each embryo of the first group 0.1 ml or 0.2 ml of a suitable dilution of the vaccine shall be applied. To the membrane of each of the second group of embryos 0.1 ml or 0.2 ml of another suitable dilution of the vaccine shall be applied. After the optimal time of incubation of the total number of discrete specific lesions shall be counted on the membrane of each embryo. The dilutions shall be so chosen that the membranes of at least one of the groups yield countable numbers of lesions exceeding ten per membrane. From the number of lesions counted in this group and from dilution and volumes used, the number of pock-forming units in one ml of the undiluted vaccine shall be calculated. This number shall exceed $1 \times 10^8$.

25. *Other tests.*

Tests for virus concentration in the scarified skin of rabbits shall also be used provided it has been shown that the results correlate with those obtained using the membranes of chick embryos.

26. *Tests for the presence of extraneous living micro-organisms in the vaccine in final containers.*

Not less than four final containers (or not less than 10 if single-dose containers) giving a total pooled quantity which is equivalent to a volume of not less than 0.5 ml shall be taken at random from each filling lot in such a manner that all stages of the filling from the bulk container shall be represented. For this purpose the dried vaccine shall be reconstituted to the form in which it is to be used in human inoculation. The vaccine thus collected shall pass the test described in paras 15 and 19, whichever is applicable.

27. *Innocuity test.*

Each filling lot shall be tested for abnormal toxicity by appropriate tests involving injection into rabbits. The tests shall be approved by the licensing authority. Mice and guinea-pigs may also used for this test.

28. *Heat-resistance test on dried vaccine.*

At least one container of dried vaccine from each filling lot shall be incubated at a temperature of not less than 37 C for not less than 4 weeks and tested for virus concentration. The vaccine passes the test if the requirements described in para 24 are fulfilled and at least one tenth of the virus concentration is retained.

29. *Preservatives and other substances added.*

No antibiotics shall be added to Smallpox Vaccine. If the reconstituted dried vaccine contains preservatives or other added substances such substances shall have been shown, to the satisfaction of the licensing authority, to have no deleterious effect on the product in the amounts present and to cause no untoward reactions in vaccinated subjects. It phenol is present its concentration shall not exceed 0.5 per cent. Further, the substance used shall fulfil the requirements of the Indian Pharmacopoeia.

MISCELLANEOUS

30. *Records.*

Records shall be permanent and clearly indicate all steps in processing, testing, filling and distribution. Written records shall be kept of all tests irrespective of their results. The records shall be maintained in a manner approved by the licensing authority. The records shall be retained throughout the period of a lot or a batch of the vaccine has been given a date of expiry and be available at all times for inspection by the Inspector.

31. *Sampling.*

Records shall be maintained of the complete passage history of all cultures kept by the manufacturer. The cultures shall be labelled and stored in a safe, orderly manner.

32. (1) *Labelling*

(a) Subject to the other provisions of these rules, the label on the container shall show the following, namely:—

(i) the name of the vaccine (*i.e.* the International name or the proper name(.

(ii) the principal place of business of the manufacture.

(iii) the Batch number or the lot number, and

(iv) the total number of doses in the container.

(b) the label on the package shall, in addition to the information shown on the label of the container, give the following particulars:—

(i) the name and address of the manufacturer,

(ii) the manufacturing licence number being preceded by the words "Manufacturing licence Number" or "Manufacturing Licence No." or "M.L." when the vaccine has been manufactured in this country.

(iii) the date of manufacture and the date of expiry.

(iv) the precautions necessary for preserving the properties of the vaccine, and

(v) if any antiseptic or preservative has been added, the nature and percentage thereof.

(2) The following additional information shall be given in the leaflet accompanying the package, namely:—

(a) conditions of storage,

(b) instructions for use,

(c) the method of reconstitution of the vaccine and

(d) a statement that, after rehydration of the dried vaccine, the vaccine should be used within six hours.

33. *Storage conditions.*

Before being distribution by the manufacturing establishment; or before being issued from a depot for the maintenance of reserves of vaccine, all dried vaccines in their final containers shall be kept constantly at a temperature bleow +10 C.

34. *Expiry date.*

The date after which dried vaccine may not be used shall be not more than 36 months after passing the last test for virus concentration. The expiry date shall not be more than 36 months after passing the last test for virus concentration. The expiry date shall not, however, be more than twelve months for dried vaccine from the date on which the vaccine was issued by the manufacturer."

(ii) in Part IX, under the heading 'Liver Injection Crude;—

(a) in para 4(b) after the words 'Evaporate to dryness in a water bath' the word "dry" shall be inserted;

(b) for para 4(e) the following para shall be substituted, namely:—

"(e) Sterility test—Liver Injection Crude shall comply with the sterility test laid down for 'Injections' in the edition of the Indian Pharmacopoeia for the time being.";

(c) for para 4(f) the following para shall be substituted, namely:—

"(f) Potency—The potency shall be determined by the microbiological method for the estimation of vitamin B12 activity as specified in the edition of the Indian Pharmacopoeia for the time being and shall be not less than that stated on the label.";

(iii) in Part XII, in clause (E),—

(a) in the headline the word 'Extract' shall be omitted;

(b) in item 2 relating to 'Liver Concentrate',—

(1) in the third paragraph, the following sentence shall be omitted, namely:—

"It may contain 0.1 per cent or benzoic acid or a suitable concentration of other harmless preservative.";

(2) in the fourth paragraph, at the end the following sentence shall be inserted, namely:—

"It may contain 0.1 per cent of benzoic acid or a suitable concentration of other harmless preservatives.";

(c) in item 5 relating to 'Proteolysed Liver',

(1) in the third paragraph for the figures and letters "2 meg" the following figure and letters shall be substituted, namely:—

"4 mcg".

(2) in the fourth paragraph, for the word 'formal' the word "formol" shall be substituted;

(3) at the end the following paragraphs shall be inserted, namely:—

"MANNER OF LABELLING PREPARATION OF LIVER FOR ORAL USE"

Subject to the other provisions of these rules and this Schedule a preparation of Liver for Oral use for which standards have been laid down in this Part of Schedule shall bear on the label the name of the preparation as prescribed.

In case the preparation of Liver for Oral use is presented as a paste, the word 'paste' shall be added after the name prescribed and the solid content, weight/weight, shall also be stated on the label.

In case any patent or proprietary preparation 'contains one or more of the preparations of Liver for Oral Use prescribed above, the formula of such a patent or proprietary preparation shall show the name or names, as the case may be, of the preparation or preparations prescribed in this part and the quantity which shall be expressed on dry basis when the paste is used.";

(xxxvii) in Schedule K,—

(i) against item 13, in column 1, under the heading "Class of Drugs" for sub-items (a) to (c) begining with "(a) Castor Oil" and ending with "(c) Quinine tablets" the following items shall be substituted, namely:—

"(1) Aspirin tablets.

(2) A.P.C. tablets and powders.

(3) Analgesic Balms.

(4) Antacid preparations.

(5) Gripe Water for use of infants.

(6) Inhalers, containing drugs for treatment of cold and nasal congestion.

(7) Syrups, lozenges, pills and tablets for cough.

(8) Liniments for external use.

(9) Skin ointments and ointments for burns.

(10) Absorbent cotton Wool, bandages, absorbent gauze and adhesive plaster.

(11) Caster Oil, liquid Paraffin and Epsom Salt.

(12) Eucalyptus Oil.

(13) Tincture Iodine. Tincture Benzoin Co and Mercurochrome solution in containers not exceeding 100 ml.

(14) Tablets of Quinine Sulphate I.P.

(15) Tablets of Iodochlorohydroxy quinoline—250 mg.";

(ii) after item 18 and the entires relating thereto the following item and entires shall be added, namely:—

| "Class of Drugs | Extent and Conditions of Exemption |
|---|---|
| 19. Hair Fixers, namely mucilagenous preparations containing gums, used by men for fixing beard. | The provisions of Chapter IV of the Act and the rules thereunder."; |

(xxxviii) in Schedule M under the para. '(2) Regiements of Plant and Equipment'—

(i) in sub-paras (A), (B), (C), (D), for figures and words '300 square feet', the figures and words '30 square metres' shall be substituted;

(ii) in sub-para (E), for the figures and words '200 square feet' the figures and words '25 square metres' shall be substituted;

(iii) in sub-para (F), for figures and words '300 square feet', the figures and words, '30 square meters' shall be substituted;

(iv) in sub-para (G) for the figures and words '250 square feet' the figures and words '25 square metres' shall be substituted;

(v) in sub-paras (H) and (I), for the figures and words "200 square feet" the figures and words "20 square meters" shall be substituted;

(vi) in sub-para (J) for figures and words "300 square feet", the figures and words "30 Square meters" shall be substituted;

(vii) in sub-para (K) for the figures and words "600 square feet' the figures and words '60 square meters' shall be substituted."

(xxxix) for Schedule 'N', the following Schedule shall be substituted:—

SCHEDULE 'N'

[*See* rule 64(1)]

*List of minimum equipment for the efficient running of a Pharmacy.*

I. Entrance—The front of a pharmacy shall bear an inscription "Pharmacy".

II. Premises The premises of pharmacy shall be separated from rooms for private use. The premises shall be well-built, dry, well-lit and ventilated and of sufficient dimensions to allow the goods in stock, especially medicaments and poisons to be kept in a clearly visible and appropriate manner. The area of the Section to be used as dispensing department shall be not less than 6 square meters for one pharmacist working therein with additional 2 square meters for each additional pharmacist. The height of the premises shall be at least 2.5 meters.

The floor of the Pharmacy shall be smooth and washable. The walls shall be plastered or tiled or oil painted so as to maintain smooth, durable and washable surface devoid of holes, cracks and crevices.

A Pharmacy shall be provided with ample supply of good quality water.

The dispensing department shall be separated by a barrier to prevent the admission of the public.

III. Furniture and appratus—The furniture and appratus of a Pharmacy shall be adapted to the uses for which they are intended and correspond to the size and requirements of the establishment.

Drugs, chemicals, and medicaments shall be kept in a room appropriate to their properties and in such special containers as will prevent any deterioration of the contents or of the contents of containers kept near them. Drawers, glasses and other containers used for keeping medicaments shall be of suitable size and capable of being closed tightly to prevent the entry of dust.

Every container shall bear a label of appropriate size, easily readable, with names of medicaments as given in the Pharmacopoeias.

A pharmacy shall be provided with a dispensing bench, the top of which shall be covered with washable and impervious material like stainless steel, laminated or plastic, etc.

A pharmacy shall be provided with a cupboard with lock and key for the storage of poisons and shall be clearly marked with the word "POISON" in red letters on a white background.

Containers of all concentrated solution shall bear special label or marked with the words "To be diluted".

A Pharmacy shall be provided with the following minimum apparatus and books necessary for making of official preparations and prescriptions:—

*Apparatus*:—

Balance, dispensing, sensitivity 30 mg.

Balance, counter, capacity 3 Kgm. sensitivity 1 gm.

Beakers, lipped, asorted sizes.

Bottles, prescription, ungraduated assorted sizes.

Corks assorted sizes and tapers.

Cork, extracter.

Evaporating dishes; porcelain.

Filter paper.

Funnels, glass.

Litmus paper, blue and red.

Measure glasses cylindrical 10 ml., 25 ml., 100 ml. and 500 ml.

Mortars and pestles, glass.

Mortars and pestles, wedgwood.

Ointment pots with bakelite or suitable caps.

Ointment slab, percelain.

Pipettes, graduated, 2 ml., 5 ml. and 10 ml.

Ring, stand (retort) iron, complete with rings.

Rubber stamps and pad.

Scissors.

Spatulas, rubber or vulcanite.

Spatulas, stainless steel.

Spirit lamp.

Glass stirring rods.

Thermometer, 0 to 200 C.

Tripod stand.

Watch glasses.

Water bath.

Water distillation still in case Eye drops and Eye lotions are prepared.

Weights, Metric, 1mg. to 100gm.

Wire Gauze.

*Pill finisher, boxwood.

*Pill Machine.

*Pill Boxes.

*Suppository mould.

*Books*:

The Indian Pharmacopoeia (Current Edition).

National Formulary of India (Current Edition).

The Drugs and Cosmetics Act, 1940.

The Drugs and Cosmetics Rules, 1945.

The Pharmacy Act, 1948.

The Dangerous Drugs Act, 1930.

IV. *General Provisions.*—A Pharmacy shall be conducted under the continuous personal supervision of a Registered Pharmacist whose name shall be displayed conspicuously in the premises.

The Pharmacist shall always put on clean white overalls.

The premises and fittings of the pharmacy shall be properly kept and everything shall be in good order and clean.

All records and registers shall be maintained in accordance with the laws in force.

Any container taken from the poison cupboard shall be replaced therein immediately after use and the cupboard locked. The keys of the poison cupboard shall be kept in the personal custody of the responsible person.

Medicaments when supplied shall have labels conformity to the provisions of laws in force.

NOTE.—The above requirements are subject to modifications at the discretion of the licensing authority, if he is of opinion that having regard to the nature of drugs dispensed, compounded or prepared by the licensee. It is necessary to relax the above requirements or to impose additional requirements in the circumstances of a particular case. The decision of the licensing authority in that regard shall be final.

*These items are to be provided only by those who intend to dispense pills or suppositories as the case may be."

THE SCHEDULE

Particulars of the drafts published for amending further the Drugs and Cosmetics Rules, 1945.

| Sl. No. | Short title of the rules | No. of the Drug and Cosmetics Rules, 1945 proposed to be amended | Notification No. & date | Part No. date and page of the Gazette of India in which notification has been published | Date on which the Gazette copies were made available to the public | The last date fixed for receipt of objections and suggestions from person likely to be affected by the proposed amendment |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | The Drugs and Cosmetics (Amendment) Rules, 1970. | Rule 2- clause (ee) | 1-57/68-D dt. 19-1-70 | Part II - Section 3(ii) S.O. 345 dt. 31-1-70 Pages 610-611. | 2-2-70 | 15th April, 1970. |
| 2. | Do. | New Rule 3-A | 1-23/70-D, dt. 30-3-70 | Part II-Section 3 (ii) S.O. 1336, dt. 1-4-70 Page 1849. | 13-4-70 | 20th June, 1970. |
| 3. | Do. | New Rule 32-A | 1-127/69-D, dt. 18-4-70 | Part II — Section 3 (ii) S. O. 1555, dt. 2-5-70 Page 2088. | 4-5-70 | 16th July, 1970. |
| 4. | Do. | Rule 45 | 1-127/69-D dt. 18-4-70. | Do. | Do. | Do. |
| 5. | The Drugs and Cosmetics (Amendment) Rules, 1969 | Rule 49—proviso to this Rule. | 1-100/68-D dt 25-5-69 | Part II—Section 3 (ii) S.O. 2181, dt. 7-6-69. Pages 2273-2274 | 9-6-69 | 31st August, 1969 |
| 6. | Do. | Rule 50 | 1-53/68-D dt. 10-4-69 | Part II — Section 3 (ii) S.O. 1458, dt. 19-4-69 Page 1368. | 21-4-69 | 25th June, 1969. |
| 7. | Do. | Rule 59(3)—Proviso to the sub-rule 3. | 1-46/68-D dt. 3-6-69. | Part II—Section 3 (ii) S.O. 2257, dt. 14-6-69 Page 2408 | 16-6-69 | 31st August, 1969. |
| 8. | Do. | Rule 63 — Proviso to the Rule. | Do. | Do. | Do. | Do. |
| 9. | The Drugs and Cosmetics (Amendment) Rules, 1969. | Rule 65—Sub-rule (3) | 1-4/68-D, dt. 13-3-69 | Part II-Section 3 (ii) S.O. 1113, dt. 22-3-69 Pages 1098-1099 | 24-3-69 | 30th May, 1969 |
| 10. | Do. | Rule-65 New Sub-rule (11-A). | 1-20/67-D, dt. 3-12-69 | Part II-Section 3 (ii) S.O. 4962, dt. 20-12-69 Page 5375 | 2-12-69 | 20th February, 1970. |
| 11. | The Drugs and Cosmetics (Amendment) Rules, 1968 | Rule-65 Sub-rule (12) | 1-23/68-D dt. 29-11-68 | Part II-Section 3( ii) S.O. 4414, dt. 14-12-68 Page 5619 | 16-12-68 | 15th March, 1969. |
| 12. | The Drugs and Cosmetics (Amendment) Rules, 1969 | New Rule 65-A | 1-15/68-D, dt. 21-5-69 | Part II-Section 3 (ii), S.O. 2110, dt. 31-5-69 Page 2239. | 2-6-69 | 31st August, 1969. |
| 13. | The Drugs and Cosmetics (Amendment) Rules, 1968 | Rule 66-Proviso to sub-rule (1) | 1-6/67-D, dt. 1-6-68 | Part II-Section 3 (ii) S.O. 2094, dt. 15-6-68 Page 2960. | 17-6-68 | 1st September, 1968. |
| 14. | The Drugs and Cosmetics (Amendment) Rules, 1969 | Rule 67-A Proviso to sub-rule (2) | 1-46/68-D, dt. 3-6-69 | Part II-Section 3 (ii) S.O. 2257, dt. 14-6-69 Page 2408. | 16-6-69 | 31st August, 1969. |
| 15. | Do. | Rule 67-E Proviso to the Rule. | Do. | Do. | Do. | Do. |
| 16. | Do. | New Rule 67-GG | 1-15/68-D, dt. 21-5-69. | Part II-Section 3 (ii) S.O. 2110, dt. 31-5-69, Page 2239. | 2-6-69 | Do. |
| 17. | The Drugs and Cosmetics (Amendment) Rules, 1968 | Rule 67-H Proviso to sub-rule (1) | 1-6/67-D, dt. 1-6-68 | Part II-Section 3(ii) S.O. 2094, dt. 16-5-68 Page 2960 | 17-6-68 | Ist September, 1968. |
| 18. | The Drugs and Cosmetics (Amendment) Rules, 1969 | Rule 69-Sub-rule (2) | 1-12/67-D, dt. 12-3-69. | Part II-Section 3(ii) S.O. 1112, dt. 22-3-69 Pages 1097-1098. | 24-3-69 | 30th May, 1969. |
| 19. | TheDrugs and Cosmetics (Amendment) Rules, 1969 | Rule 69-Sub-rule (3) | 1-45/68-D dt. 3-6-69 | Part II- Section 3( ii) S.O. 2257, dt. 14-6-69 Page 2408 | 16-6-68 | 31st August, 1969, |
| 20. | Do. | Rule 69-A, Proviso to sub-rule (1) | Do.] | Do. | Do. | Do. |
| 21. | The Drugs and Cosmetics (Amendment) Rules, 1970 | Rule 71-A-Clause (2) | 1-127/69-D dt. 18-4-70 | Part II-Section 3 (ii) S.O. 1555 dt. 2-5-70 Pages 2088. | 4-5-70 | 16th July, 1970. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| 22. | The Drugs and Cosmetics (Amendment), Rules, 1969 | Rule 72-Proviso to this Rule. | 1-46/68-D, dt. 3-6-69 | Part II-Section 3 (ii) S.O. 2257, dt. 14-6-69 Page 2408. | 16-6-69 | 31st August, 1969 |
| 23. | Do. | Rule 73 AA - proviso to the Rule. | Do. | Part II - Section 3 (ii) S.O. 2257, dt. 14-6-69 Page 2409. | Do. | Do. |
| 24. | Do. | Rule 75 Proviso to the rule | Do. | Do. | Do. | Do. |
| 25. | Do. | Rule 75-A Proviso to Sub-rule (1). | Do. | Do. | Do. | Do. |
| 26. | Do. | Rule 77 - Proviso to the rule. | Do. | Do. | Do. | Do. |
| 27. | Do. | Rule 83-AA Proviso to the Rule. | Do. | Do. | Do. | Do. |
| 28. | The DrugsandCosmetics (Amendments) Rules, 1968. | New Rule 84-A | 1-15/63-D dt. 25-10-68 | Part II-Section 3 (ii) S.O. 3867, dt. 2-11-68 Pages 4894-4895 | 4-11-68 | 31st January, 1969 |
| 29. | The Drugs and Cosmetics (Amendments) Rules, 1969 | New Rule 84-AA | 1-15/68-D dt. 21-5-69 | Part II-Section 3 (ii) S.O. 2110, dt. 31-5-69 Pages, 2239-2240. | 2-6-69 | 31st August, 1969. |
| 30. | Do. | Rule 85-B Sub-Rule (3) | 1-46/68-D dt. 3-6-69 | Part II - Section 3 (ii) S.O. 2257, dt. 14-6-69 Page 2409. | 16-6-69 | Do. |
| 31. | Do. | Rule 85-F Proviso to the Rule. | Do. | Do. | Do. | Do. |
| 32. | The Drugs and Cosmetics (Amendments) Rules, 1969 | New Rule 85 HH. | 1-15/68-D, dt. 21-5-69 | Part II-Section 3 (ii) S.O. 2110, dt. 31-5-69 Page 2240 | 2-6-69 | 31st August, 1969 |
| 33. | The Drugs and Cosmetics (Amendments), Rules, 1968 | Rule 96-New Sub-rule (1-A) | 1-6/65/D, dt. 19-2-68 | Part II-Section 3 (ii) S.O. 772, dated 2-3-68 Pages 1231-1232 | 4-3-68 | 10th May, 1968. |
| 34. | The Drugs and Cosmetics (Amendments) Rules, 1970 | Rule 106-A, Explanation to clause (ii) of sub-rule (B). | 1-127/69-D dt. 18-4-70 | Part II-Section 3 (ii) S.O. 1555, dt. 2-5-70 Page 2089. | 4-5-70 | 16th July, 1970. |
| 35. | The Drugs and Cosmetics (Amendments) Rules, 1969. | Rule 138-Sub-rule (2) and proviso to sub-rule (2). | 1-46/68-D, dt. 3-6-69 | Part II-Section 3 (ii) S.O. 2257, dt. 14-6-69 Pages 2409-2410. | 16-6-69 | 31st August, 1969. |
| 36. | Do. | Rule 140-Proviso to the Rule. | Do. | Part II-Section 3 (ii) S.O. 2257, dated 14-6-69 Page 2410. | Do. | Do. |
| 37. | Do. | New Rule 142-A | 1-15/68D-, dt. 21-5-69 | Part II-Section 3 (ii) S.O. 2110, dt. 31-5-69 Page 2240. | 2-6-69 | Do. |
| 38. | Do. | New Rule 145-A | 1-44/68-D dt. 23-4-69 | Part II-Section 3 (ii) S.O. 1761, dt. 10-5-69 Page 1662. | 12-5-69 | 25th June, 1969. |
| 39. | Do. | New Rule 145-B | Do. | Do. | Do. | Do. |
| 40. | Do. | Schedule-A, Form 16, and 17. | Do. | Part II-Section 3 (ii) S.O. 1761, dt. 10-5-69. Pages 1662-1663 | Do. | Do. |
| 41. | TheDrugs and Cosmetics (Amendments) Rules, 1970 | Schedule-A, Form 21 | 1-9/70-D, dt. 17-4-70 | Part II-Section 3 (ii) S.O. 1554, dt. 2-5-70 Page 2088. | 4-5-70 | 15th July, 1970. |
| 42. | The Drugs and Cosmetics (Amendments) Rules, 1968. | Schedule-F, Part I Section (B) | 1-3/68-D, dt. 30-12-68 | Part II-Section 3 (ii) S.O. 127, dt. 11-1-69 Pages 181-187. | 13-1-69 | 15th March, 1969. |
| 43. | The Drugs and Cosmetics (Amendments) Rules, 1969 | Schedule-F Part IX | 1-10/69-D dt. 26-5-69 | Part II - Section 3 (ii) S.O. 2180, dated 7-6-69 Pages 2272-2273 | 9-6-69 | 31st August, 1969 |
| 44 | The Drugs and Cosmetics (Amendments) Rules, 1969 | Schedule-F Part XII | Do. | Do. | Do. | Do. |
| 45. | TheDrugs and Cosmetics (Amendments) Rules, 1969 | Schedule-K | 1-127/69-D dt. 18-4-70. | Part II - Section 3 (ii) S.O. 1555, dt. 2-5-70 Page 2089. | 4-5-70 | 16th July, 1970. |
| 46. | TheDrugs and Cosmetics (Amendments) Rules, 1970 | Schedule-K New Entry 19 | Do. | Do. | Do. | Do. |
| 47. | The Drugs and Cosmetics (Amendments) Rules, 1969 | Schedule-M | 1-2/68-D, dt. 11-6-69. | Part II - Section 3 (ii) S.O. 2360, dt. 21-6-69. Page 2478 | 23-6-69 | 15th September, 69. |
| 48. | Do. | Schedule-N | 1-17/68-D, dt. 16-6-69 | Part II- Section 3 (ii) S.O. 2481, dated 28-6-69 Pages 2612-2614. | 30-6-69 | 10th September, 69. |

[No. X-11014/12/72-D]

RAMESH BAHADUR, Under Secy.

नई दिल्ली, 5 जून, 1972

**एस० ओ० 2139.**—यतः औषधि द्रव्य और प्रसाधन सामग्री नियम, 1945 में और संशोधन करने के लिए इससे अनुसूची के स्तम्भ 2 में यथा विनिर्दिष्ट, कतिपय प्रारूप-नियम, (उक्त अनुसूची के स्तम्भ 5 में की तत्स्थानीय प्रविष्टियों में यथा विनिर्दिष्ट) भारत के राजपत्र के विभिन्न अंकों में, औषधि द्रव्य और प्रसाधन सामग्री अधिनिमय, 1940 (1940 का 23) की धारा 12 और 33 की अपेक्षानुसार प्रकाशित किए गए थे जिनमें उन सभी व्यक्तियों से, जिनका उनसे प्रभावित होना सम्भाव्य था, पूर्वोक्त अनुसूची के स्तम्भ 7 में की तत्स्थानी प्रविष्टियों में दी गई तारीख तक आक्षेप तक सुझाव मांगे गए थे ;

और यतः उक्त राजपत्र जनता को पूर्वोक्त अनुसूची के स्तम्भ 6 में विनिर्दिष्ट तत्स्थानी तारीखों को उपलब्ध करा दिये गए थे;

और यतः उक्त प्रारूप के बारे में जनता से प्राप्त हुए आक्षपो और सुझावों पर केन्द्रीय सरकार द्वारा विचार किया गया ;

अतः अब, औषधि द्रव्य और प्रसाधन सामग्री अधिनियम, 1940 (1940 का 23) की धारा 12 और 33 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, औषधि द्रव्य तकनीकी सलाहकार बोर्ड से परामर्श के पश्चात्, औषधि दव्य और प्रसाधन सामग्री नियम, 1945 में और संशोधन करने के लिए एतद्द्वारा निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम औषधि द्रव्य और प्रसाधन सामग्री (प्रथम संशोधन) नियम, 1972 होगा ।

(2) ये नियम राजपत्र प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. औषधि द्रव्य और सामग्री नियम, 1945 में,:—

(i) नियम 2 के खण्ड (ड० ड०) में,—

(i) उपखण्ड (ii) में, "आधुनिक वैज्ञानिक औषधि प्रणाली" शब्दों के पश्चात् निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

"जिसके अन्तर्गत होमियोपैथिक औषध प्रणाली नहीं है"

(ii) उपखण्ड (3) में, "किसी राज्य के चिकित्सा रजिस्टर" शब्दों के पहले, निम्नलिखित अन्तः स्थापित किया जाएगा, अर्थात् :—

"होमियोपैथिक चिकित्सकों के रजिस्ट्रीकरण के रजिस्टर से भिन्न,"

(ii) नियम 3 क में, उपनियम, (ii) के पश्चात्, निम्नलिखित उपनियम अन्तःस्थापित किया जाएगा, अर्थात् :—

"(3) कण्डोमों की बाबत प्रयोगशाला के कृत्यों का निष्पादन केन्द्रीय भारतीय मेपजकेश प्रयोग शाला, गाजियाबाद द्वारा किया जाएगा, और उक्त कण्डोमों की बाबत निदेशक के कृत्यों का प्रयोग उक्त प्रयोगशाला के निदेशक द्वारा किया जाएगा ।"

(iii) नियम 32 के पश्चात् निम्नलिखित नियम अन्त स्थापित किय जाएगा, अर्थात् :—

"(32क) होमियोपैथिक औषधि को पैक करना और उस पर लेबल लगाना

किसी भी होमियोपैथिक औषध का तब तक आयात नहीं किया जाएगा जब तक कि वह भाग 9क में नियम के अनुरुप पैक न कर दी गई हो और उस पर लेबल न लगा दिया हो ।" ;

(4) नियम 45 के उपनियम (1) में, 'औषधि द्रव्य' शब्द के पश्चात् प्रसाधन सामग्री' शब्द अन्तःस्थापित किए जाएंगे ।

(5) नियम 49 में, :—

(i) प्रथम परन्तुक में, "विनिर्माण का और" शब्दों के स्थान पर, "विनिर्माण का या" शब्द प्रतिस्थापित किए जाएंगे,

(ii) द्वितीय परन्तुक के पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किया जाएगा अर्थात् :—

"परन्तु यह और कि पूर्ववर्ती परन्तुक के अनुसरण में निरीक्षक के रूप में नियुक्त किए गए किसी व्यक्ति को चार वर्ष की उक्त अवधि के पश्चात् अपना पद धारण करने के लिए उस भाग में अनुज्ञा दी जा सकेगी यदि राज्य सरकार का यह विनिर्माण का निरीक्षण करने के लिए निरीक्षक के रूप में पर्याप्त ज्ञान और और क्षमता रखता है" ;

(6) नियम 50 के स्थान पर, निम्नलिखित नियम प्रतिस्थापित किया जाएगा, अर्थात् :—

"50 नियंत्रण प्राधिकारी (1) केन्द्रीय सरकार द्वारा नियुक्त किए गए सभी निरीक्षक केन्द्रीय सरकार द्वारा इस निमित्त किए गए किसी अधिकारी के नियंत्रण में होंगे ।

(2) राज्य सरकार द्वारा नियुक्त किए गए सभी निरीक्षक राज्य सरकार द्वारा इस निमित्त नियुक्त किए गए किसी अधिकारी के नियंत्रण में होंगे ।

(3) इन नियमों के प्रयोजनों के लिए, यथास्थिति, उपनियम (1) के अधीन केन्द्रीय सरकार द्वारा नियुक्त किया गया कोई अधिकारी या उपनियम (2) के अधीन राज्य सरकार द्वारा नियुक्त किया गया कोई अधिकारी नियंत्रण प्राधिकारी होगा ।" ;

(7) नियम 59 के उपनियम (3) के परन्तुक के स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जाएगा, अर्थात् :—

"परन्तु यदि कोई आवेदक अनुज्ञप्ति के अवसान के पश्चात् किन्तु ऐसे अवसान के छह मास के भीतर उसके नवीकरण के लिए आवेदन करता है तो ऐसी अनुज्ञप्ति के नवीकरण के लिए संदेय फीस बीस रुपए और अतिरिक्त फीस प्रतिमास या उसके किसी भाग के लिए बीस रुपए की दर से होगी, और भ्रमणशील विक्रेता या पांच हजार या उससे कमजनसंख्या वाले गांव या नगर में कोई दुकान खोलने की इच्छा रखनेवाले किसी आवेदक की दशा में फीस पांच रुपए और अतिरिक्त फीस प्रतिमास या उसके किसी भाग के लिए पांच रुपए की दर से होंगी ।" ;

(8) नियम 63 के परन्तुक के स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जाएगा, अर्थात् :—

"परन्तु यदि प्रवृत्त अनुज्ञप्ति के नवीकरण के लिए आवेदन उस के अवसान के पूर्व या यदि ऐसा आवेदन उसके अवसान के छह मास के भीतर, अतिरिक्त फीस का संदाय करने के पश्चात, किया गया हो तो अनुज्ञप्ति तब तक प्रवृत्त रहेगी जब तक उस आवेदन पर आदेश पारित नहीं कर दिए जाते। यदि उसके नवीकरण के लिए आवेदन उसके अवसान के पश्चात छह मास के भीतर न किया गया हो तो अनुज्ञप्ति समाप्त हुई समझी जाएगी।"

(ix) नियम, 65 में,—

(i) उपनियम (3) के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात :—

"(3) (1) किसी रजिस्ट्रीकृत चिकित्सक के नुस्खे पर किए गए किसी औषध द्रव्य का प्रदाय किसी ऐसे नुस्खा रजिस्टर में प्रदाय करने के समय अभिलिखित किया जायगा जो विशेष रूप से इस प्रयोजन के लिए रखा गया है और रजिस्टर में की प्रविष्टि की क्रम संख्या नुस्खे पर दर्ज की जाएगी। रजिस्टर में निम्नलिखित विशिष्टियां दर्ज की जाएंगी :—

(क) प्रविष्टि की क्रम संख्या

(ख) प्रदाय, की तारीख,

(ग) नुस्खा लिखने वाले चिकित्सक का नाम और पता,

(घ) रोगी का नाम और पता,

(ङ) औषधि द्रव या निर्मित का नाम और मात्रा या अनुज्ञप्तिधारी द्वारा बनाई गई औषधि की दशा में उसके संघटक और मात्रा,

(च) अनुसूची ग, या अनुसूची ज या अनुसूची ठ में विनिर्दिष्ट औषधि द्रव की दशा में औषधि द्रव के विनिर्माता का नाम, उसकी बैच संख्या और शक्ति के अवसान की तारीख, यदि कोई हो,

(छ) ऐसे अर्हित व्यक्ति के हस्ताक्षर जिसके द्वारा या जिसके पर्यवेक्षण में औषधि बनाई गई या उसका प्रदाय किया गया :

परन्तु ऐसे औषधि द्रव्यों की दशा में जो परिसर में मिश्रित न किए गए हों और जिनका प्रदाय मूल पात्रों से या में किया गया हो, उपरोक्त मद (क) से (छ) में विनिर्दिष्टयों ऐसी किसी कैश या क्रेडेट मैमो में पुस्तक में दर्ज की जाएंगी जिस पर क्रम संख्या पडी हो और जो विशेषतः इस प्रयोजन के लिए रखी गई हो :

परन्तु यह और कि यदि औषध का प्रदाय उस नुस्खा पर किया गया हो जिस पर औषध किसी पूर्व अवसर पर प्रदत्त की गई हो और उसकी प्रविष्टियां नुस्खा रजिस्टर में दर्ज की गई हों तो यह पर्याप्त होगा यदि रजिस्ट्रर में की गई नई प्रविष्टि में क्रम संख्या, प्रदाय की तारीख, प्रदत्त मात्रा और पूर्व अवसर पर औषध-वितरण को अभिलिखित करने वाले रजिस्ट्रर में की किसी प्रविष्टि का पर्याप्त निर्देश किया गया हो :

परन्तु यह और कि रजिस्ट्रर में या कैश या क्रेडिट मेमों में विशिष्टियां में उपरोक्त ब्योरे निम्नलिखित की बाबत अभिलिखित करना आवश्यक नहीं होगा :—

(i) कर्मचारी राज्य बीमा स्कीम के अन्तर्गत नुस्खे पर प्रदत्त किए गये कोई औषधि-द्रव्य यदि उपरोक्त सभी विशिष्टियां उस नुस्खे में दी गई हों, और

(ii) अनुसूची ग, ङ० या ठ में विनिर्दिष्ट औषधि-द्रव्य से भिन्न औषधि -द्रव्य यदि उसका प्रदाय विनिर्माता के बिना खुले मूल पात्र में किया गया हो और यदि नुस्खा प्रदायकर्त्ता के नाम और प्रदाय करने की तारीख से प्रदायक करने के समय सम्यक रूप से स्टाम्पित किया गया हो और यदि प्रदाय इस शर्त पर किया गया हो कि इस नियम के उपनियम 4 (3) के उपबन्धों का अनुपालन किया जाए।

(2) ऐसे औषधि-द्रव्य और औषधियों जिनका प्रदाय मूल पात्र से या में किया जाता है, से संबंधित नुस्खा रजिस्टर या कैश या क्रेडिट मेमों पुस्तक रखने का विकल्प खुदरा बिक्रि के लिए अनुज्ञप्ति की मंजूरी या उसके नवीकरण के लिए आवेदन करने समय अनुज्ञापन प्राधिकारी को लिखित में किया जाएगा ;

परन्तु यदि अनुज्ञापन प्राधिकारी का यह समाधान हो गया हो कि कैश या क्रेडिट मेमों की प्रविशिष्टियां पढ़ी नहीं जा सकती तो वह यह अपेक्षा कर सकेगा कि अभिलेख केवल नुस्खा रजिस्ट्रर में रखे जाएं।"

(ii) उपनियम (11) के पश्चात, निम्नलिखित उपनियम अन्तः स्थापित किया जाएगा, अर्थात :—

"(11 क) किसी ऐसे नुस्खे पर जिसमें अनुसूची ज या ठ में विनिर्दिष्ट पदार्थ अन्तर्विष्ट हों, औषध वितरण करने वाला कोई भी व्यक्ति उसके बदले में किसी अन्य निर्मित्त का चाहे उसमें वह पदार्थ हो या नहीं, प्रदाय नहीं करेगा।"

(iii) उपनियम 12 में, "अनुसूची ङ० में विनिर्दिष्ट पदार्थ" शब्दों के स्थान पर, निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे, अर्थात :—

"अनुसूची ङ० में विनिर्दिष्ट पदार्थ जो आन्तरिक या बाह्य प्रयोग के लिए तैयार पदार्थ से भिन्न हैं और।"

(x) नियम 65 के पश्चात,निम्नलिखित नियम 65 क अन्तः स्थापित किया जाएगा, अर्थात :—

"**65 क-अनुज्ञप्ति के लिए आवेदक या अनुज्ञप्तिधारी द्वारा अनुज्ञापन प्राधिकारी को दी जाने वाली अतिरिक्त जानकारी** :— अनुज्ञप्ति की मंजूरी के लिए आवेदक या ऐसा व्यक्ति, जिसको इस भाग के अधीन अनुज्ञप्ति मंजूर की गई है, यथास्थिति, अनुज्ञप्ति की मंजूरी से पूर्व या अनुज्ञप्ति के प्रवृत्त रहने की अवधि के दौरान,

अनुज्ञप्ति के लिए किए गए आवेदन में या मंजूर की गई अनुज्ञप्ति में विनिर्दिष्ट, परिसरों के किराए संबंधी या अन्य आधार पर स्वामित्व या अधिभोग , फर्म के गठन या किसी अन्य ऐसी सुसंगत सामग्री की बाबत दस्तावेजी साक्ष्य मांग किए जाने पर अनुज्ञापन प्राधिकारी को देगा जिसकी अपेक्षा, यथास्थिति, अनुज्ञप्ति के लिए आवेदन करते समय या अनुज्ञप्ति की अभिप्राप्ति के पश्चात, आवेदक या अनुज्ञप्तिधारी द्वारा किए गए कथनों की सत्यता का सत्यापन करने के प्रयोजन के लिए की जाए।" ;

(XI) नियम 66 में उपनियम (1), में, परन्तुक के स्थान पर निम्नलिखित परन्तुक प्रतिस्थापित किया जाएगा, अर्थात :—

"परन्तु जहां ऐसी असफलता या उल्लंघन किसी अभिकर्त्ता या कर्मचारी की ओर से किए गए किसी कार्य या लोप का परनाम है वहां अनुज्ञप्ति उस दशा में रद्द या निलम्बित नहीं की जाएगी यदि अनुज्ञप्ति धारी, अनुज्ञापन प्राधिकारी के समाधान प्रद रूप से यह साबित कर दे कि :—

(क) वह कार्य या लोप उसके द्वारा या यदि अनुज्ञप्तिधार कोई फर्म या कम्पनी है तो फर्म के भागीदार या कम्पनी निदेशक द्वारा नहीं उकसाया गया था और न उसके उसकी उपेक्ष की थी, या

(ख) वह या उसका अभिकर्त्ता या कर्मचारीप्रश्नगत कार्य या लोप के होने की तारीख से पूर्व बारह मास के भीतर उसी प्रकार के किसी कार्य या लोप के लिए दोषी नहीं रहा था, या जहां उसका अभिकर्त्ता या कर्मचारी किसी ऐसे कार्य या लोप का दोषी रहा था वहां अनुज्ञप्तिधारी को उस पूर्वतन कार्य या लोप का ज्ञान नहीं था या उसे उसका युक्ति युक्तः ज्ञान नहीं हो सकता था, या

(ग) यदि कार्य या लोप चालू रहने वाला कार्य या लोप था तो उसे उस पूर्वतन कार्य या लोप का ज्ञान नहीं था या जसे उसका युक्तियुक्ततः ज्ञान नहीं हो सकता था, या

(घ) उसने यह निश्चित करने के लिए सम्यक् तत्परता दिखाई कि अनुज्ञप्ति की शर्तें या अधिनियम के उपबंध और उसके अधीन बनाये गये नियम अनुपालित किये जायें ।"

(XII) नियम 67-क के उपनियम (2) के परन्तुक के स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जायेगा, अर्थात् :—

"परन्तु यदि कोई आवेदक अनुज्ञप्ति के अवसान के पश्चात् किन्तु ऐसे अवसान के छह मास के भीतर उसके नवीकरण के लिए आवेदन करता है तो ऐसी अनुज्ञप्ति के नवीकरण के लिए संदेय फीस पांच रुपये और अतिरिक्त फीस प्रति मास या उसके किसी भाग के लिए पांच रुपये की दर से होगी ।";

(XIII) नियम 67-ङ के परन्तुक के स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जायेगा, अर्थात् :—

"परन्तुक यदि प्रवृत्त अनुज्ञप्ति के नवीकरण के शिए आवेदन उसके अवसान के पूर्व, या यदि ऐसा आवेदन उसके अवसान के छह मास के भीतर अतिरिक्त फीस का संदाय करने के पश्चात्, किया गया हो तो अनुज्ञप्ति तब तक प्रवृत्त रहेगी जब तक उस आवेदन पर आदेश पारित नहीं कर दिये जाते और यदि उसके नवीकरण के लिए आवेदन उसके अवसान के पश्चात् छह मास के भीतर न किया गया हो तो अनुज्ञप्ति समाप्त हुई समझी जायेगी ।";

(XIV) नियम 67-छ के पश्चात्, निम्नलिखित नियम अन्तःस्थापित किया जायेगा, अर्थात् :—

**"67-छ छ—अनुज्ञप्ति के लिए आवेदक या अनुज्ञप्तिधारी द्वारा अनुज्ञापन प्राधिकारी को दी जाने वाली अतिरिक्त जानकारी :—**

अनुज्ञप्ति की मंजूरी के लिए आवेदक या ऐसा व्यक्ति, जिसको इस भाग के अधीन अनुज्ञप्ति मंजूर की गई है, यथास्थिति, अनुज्ञप्ति की मंजूरी से पूर्व या अनुज्ञप्ति के प्रवृत्त रहने की अवधि के दौरान, अनुज्ञप्ति के लिए किये गये आवेदन में या मंजूर की गई अनुज्ञप्ति में विनिर्दिष्ट, परिसरों, के किराये संबंधी या अन्य आधार पर स्वामित्व या अधिभोग, फर्म के गठन या किसी अन्य संगत सामग्री की बाबत दस्तावेज साक्ष्य मांग किये जाने पर अनुज्ञापन प्राधिकारी को देगा जिसकी अपेक्षा, यथास्थिति, अनुज्ञप्ति के लिए आवेदन करते समय या अनुज्ञप्ति की अभिप्राप्ति के पश्चात्, आवेदक या अनुज्ञप्तिधारी द्वारा किये गये कथनों की सत्यता का सत्यापन करने के प्रयोजन के लिए की जाए ।"

(XV) नियम 67-ज में, उपनियम (1) में, परन्तुक के स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जायेगा, अर्थात् :—

"परन्तु जहां ऐसी असफलता या उल्लंघन किसी अभिकर्ता या कर्मचारी की ओर से किए गए किसी कार्य या लोप का परिणाम है वहां अनुज्ञप्ति उस दशा में रद्द या निलम्बित नहीं की जाएगी यदि अनुज्ञप्तिधारी अनुज्ञापन प्राधिकारी के समाधानप्रद रूप में यह साबित कर दे कि :—

(क) वह कार्य या लोप उसके द्वारा या यदि अनुज्ञप्तिधारी कोई फर्म या कम्पनी है तो फर्म के भागीदार या कम्पनी के निदेशक द्वारा नहीं उकसाया गया था और न उसने उसकी अपेक्षा की थी, या

(ख) वह या उसका अभिकर्ता या कर्मचारी प्रश्नगत कार्य या लोप के होने की तारीख से पूर्व बारह मास के भीतर उसी प्रकार के किसी कार्य या लोप के लिए दोषी नहीं रहा था, या जहां उसका अभिकर्ता या कर्मचारी किसी ऐसे कार्य या लोप का दोषी रहा था वहां अनुज्ञप्तिधारी को उसे पूर्वतन कार्य या लोप का ज्ञान नहीं था या उसे उसका युक्तियुक्ततः ज्ञान नहीं हो सकता था, या

(ग) यदि कार्य या लोप चालू रहने वाला कार्य या लोप था तो उसे उस पूर्वतन कार्य या लोप का ज्ञान नहीं

था या उसे उसका युक्तियुक्ततः ज्ञान नहीं हो सकता था, या

(घ) उसने यह सुनिश्चित करने के लिए सम्यक् तत्परता दिखाई कि अनुज्ञप्ति की शर्तें या अधिनियम के उपबंध और उसके अधीन बनाए गए नियम अनुपालित किए जाएं ।"

(XVI) नियम 69 में,

(i) उपनियम (2) के स्थान पर, निम्नलिखित उपनियम प्रतिस्थापित किया जाएगा, अर्थात् :—

"(2) प्ररूप 24-ख में के प्रत्येक आवेदन के साथ चालीस रुपये फीस और प्रथम निरीक्षण के लिए दस रुपये या अनुज्ञप्ति के नवीकरण के लिए निरीक्षण की दशा में पांच रुपये निरीक्षण फीस दी जाएगी और प्ररूप 24 में 8 प्रत्येक आवेदन के साथ दो सौ रुपए फीस और प्रथम निरीक्षण के लिए पचास रुपए या अनुज्ञप्ति के नवीकरण के लिए निरीक्षण की दशा में पच्चीस रुपए निरीक्षण फीस दी जाएगी ।"

(ii) उपनियम (3) के स्थान पर, निम्नलिखित उपनियम प्रतिस्थापित किया जाएगा, अर्थात् :—

"(3) यदि कोई व्यक्ति अनुज्ञप्ति के अवसान के पश्चात किन्तु ऐसे अवसान के छह मास के भीतर उसके नवीकरण के लिए आवेदन करता है तो ऐसी अनुज्ञप्ति के नवीकरण के लिए संदेय फीस, प्ररूप 24-ख की दशा में, निरीक्षण फीस के अतिरिक्त चालीस रुपए और अतिरिक्त फीस प्रति मास या उसके किसी भाग के लिए बीस रुपए की दर से होगी और, प्ररूप 24 की दशा में, निरीक्षण फीस के अतिरिक्त, दो सौ रुपए और अतिरिक्त फीस प्रति मास या उसके किसी भाग के लिए एक सौ रुपए की दर से होगी ।";

(XVII) नियम 69-क के उपनियम (1) में, स्पष्टीकरण के पूर्व निम्नलिखित परन्तुक अन्तःस्थापित किया जाएगा, अर्थात् :—

"परन्तु यदि कोई आवेदक अनुज्ञप्ति के अवसान के पश्चात् किन्तु ऐसे अवसान के छह मास के भीतर उसके नवीकरण के लिए आवेदन करता है तो ऐसी अनुज्ञप्ति के नवीकरण के लिए संदेय फीस एक सौ रुपए और अतिरिक्त फीस प्रति मास या उसके किसी भाग के लिए पचास रुपए की दर से होगी ।"

(XVIII) नियम 71-क में, खण्ड (2) के स्थान पर, निम्नलिखित खण्ड प्रतिस्थापित किया जाएगा, अर्थात् :—

"(2) कारखाना परिसर अनुसूची ङ में विहित शर्तों का अनुपालन करेंगे, और"

(XIX) नियम 72 के परन्तुक के स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जाएगा, अर्थात् :—

"परन्तु यदि अनुज्ञप्ति के नवीकरण के लिए आवेदन उसके अवसान के पूर्व, या यदि ऐसा आवेदन उसके अवसान के छह मास के भीतर, अतिरिक्त फीस का संदाय करने के पश्चात् किया गया हो तो अनुज्ञप्ति तब तक प्रवृत्त रहेगी जब तक उस आवेदन पर आदेश पारित नहीं कर दिए जाते और यदि अनुज्ञप्ति के नवीकरण के लिए आवेदन उसके अवसान के छह मास के भीतर न किया गया हो तो वह समाप्त हुई समझी जाएगी ।"

(XX) नियम 73-क के परन्तुक के स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जाएगा, अर्थात् :—

"परन्तु यदि अनुज्ञप्ति के नवीकरण के लिए आवेदन उसके अवसान के पूर्व, या यदि ऐसा आवेदन उसके अवसान के छह मास के भीतर, अतिरिक्त फीस का संदाय करने के पश्चात् किया गया हो तो अनुज्ञप्ति तब तक प्रवृत्त रहेगी जब तक उस आवेदन पर आदेश पारित नहीं कर दिये जाते और यदि अनुज्ञप्ति के नवीकरण के लिए आवेदन उसके अवसान के छह मास के भीतर न किया गया हो तो वह समाप्त हुई समझी जाएगी ।"

(XXI) नियम 75 के परन्तुक के स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जाएगा, अर्थात् :—

"यदि कोई आवेदक अनुज्ञप्ति के अवसान के पश्चात् किन्तु ऐसे अवसान के छह मास के भीतर उसके नवीकरण के लिए आवेदन करता है तो ऐसी अनुज्ञप्ति के नवीकरण के लिए संदेय फीस, निरीक्षण फीस के अतिरिक्त, तीन सौ रुपए और अतिरिक्त फीस प्रति मास या उसके किसी भाग के लिए दो सौ रुपए की दर से होगी ।";

(XXII) नियम 75-क के उपनियम (1) में, स्पष्टीकरण के पूर्व, निम्नलिखित परन्तुक अन्तःस्थापित किया जायेगा, अर्थात् :

"यदि कोई आवेदक अनुज्ञप्ति के अवसान के पश्चात् किन्तु ऐसे अवसान के छह मास के भीतर उसके नवीकरण के लिए आवेदन करता है तो ऐसी अनुज्ञप्ति के नवीकरण के लिए संदेय फीस तीन सौ रुपए और अतिरिक्त फीस प्रतिमास या उसके किसी भाग के लिए दो सौ रुपए की दर से होगी ।"

(XXIII) नियम 77 के परन्तुक के स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जाएगा, अर्थात् :—

"परन्तु यदि अनुज्ञप्ति के नवीकरण के लिए आवेदन उसके अवसान के पूर्व, या यदि ऐसा आवेदन उसके अवसान के छह मास के भीतर, अतिरिक्त फीस का संदाय करने के पश्चात् किया गया हो तो अनुज्ञप्ति तब तक प्रवृत्त रहेगी जब तक उस आवेदन पर आदेश पारित नहीं कर दिए जाते और यदि अनुज्ञप्ति के नवीकरण के लिए आवेदन उसके अवसान के छह मास के भीतर न किया गया हो तो वह समाप्त हुई समझी जाएगी ।";

(XXIV) नियम 83-क के परन्तुक के स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जाएगा, अर्थात् :—

"परन्तु यदि अनुज्ञप्ति के नवीकरण के लिए आवेदन उसके अवसान के पूर्व, या यदि ऐसा आवेदन उसके अवसान के छह मास के भीतर, अतिरिक्त फीस का संदाय करने के पश्चात्, किया गया हो तो अनुज्ञप्ति तब तक प्रवृत्त रहेगी जब तक उस आवेदन पर आदेश पारित नहीं कर दिये जाते और यदि अनुज्ञप्ति के नवीकरण

के लिए आवेदन उसके अवसान के छह मास के भीतर न किया गया हो तो वह समाप्त हुई समझी जाएगी।";

(xxv) नियम 84 के पश्चात् निम्नलिखित नियम अन्तः स्थापित किए जाएगे, अर्थात् :—

"84क—**उस प्रकार द्वारा राज्य सरकार को अपील करने की बाबत उपबन्ध जिसकी अनुज्ञप्ति मंजूर या स्वीकृत नहीं की गई है**—कोई ऐसा व्यक्ति जो अनुज्ञापन प्राधिकारी द्वारा पारित किए गए उस आदेश द्वारा व्यथित है जिसमें उसने प्ररूप 25, 25-क, 25ख, 26, 26-क 26ख, 28 और 28-क में की अनुज्ञप्ति को मंजूर या नवीकृत करने से इकार कर दिया है, ऐसे आदेश की प्राप्ति की तारीख से तीस दिन के भीतर राज्य सरकार को अपील कर सकेगा और राज्य सरकार, उस मामले में ऐसी जांच करने के पश्चात् जिसे वह आवश्यक समझे और उक्त व्यक्ति को उस मामले में अपने विचार रखने के लिए अवसर प्रदान करके, उस सम्बन्ध में ऐसा आदेश कर सकेगी जिसे वह उचित समझे।

84-कक **अनुज्ञप्ति के लिए आवेदक या अनुज्ञप्तिधारी द्वारा अनुज्ञापन प्राधिकारी को दी जाने वाली अतिरिक्त जानकारी**:— अनुज्ञप्ति की मजूरी के लिए आवेदक या ऐसा व्यक्ति, जिसको इस भाग के अधीन अनुज्ञप्ति मंजूर की गई है, यथास्थिति, अनुज्ञप्ति की मजूरी से पूर्व या अनुज्ञप्ति के प्रवृत्त रहने की अवधि के दौरान, अनुज्ञप्ति में विनिर्दिष्ट परिसरों के किराए संबंधी या अन्य आधार पर स्वामित्व या अविभोग, फर्म के गठन या किसी अन्य ऐसी सुसंगत सामग्री की बाबत दस्तावेजी साक्ष्य, मांग किए जाने पर अनुज्ञापन प्राधिकारी को देगा जिसकी अपेक्षा, यथास्थिति, अनुज्ञप्ति के लिए आवेदन करते समय या अनुज्ञप्ति की अभिप्राप्ति के पश्चात्, आवेदक या अनुज्ञप्तिधारी द्वारा किए गए कथनों की सत्यता का सत्यापन करने के प्रयोजन के लिए की जाएगी।";

(xxvi) नियम 85 ख के उपनियम (3) के स्थान पर, निम्नलिखित उपनियम प्रतिस्थापित किया जाएगा, अर्थात् :—

"(3) यदि कोई व्यक्ति अनुज्ञप्ति के अवसान के पश्चात् किन्तु ऐसे अवसान के छह मास के भीतर उसके नवीकरण के लिए आवेदन करता है तो ऐसी अनुज्ञप्ति के नवीकरण के लिए सदेय फीस—

(i) होमियोपैथिक मदर टिंचर और शक्तिबर्धक निर्मितियों का विनिर्माण करने के लिए चालीस रुपये और अतिरिक्त फीस प्रतिमास या उसके किसी भाग के लिए बीस रुपए की दर से होगी ; और

(ii) केवल होमियोपैथिक शक्तिबर्धक निर्मितियों का विनिर्माण करने के लिए बीस रुपए और अतिरिक्त फीस प्रतिमास या उसके किसी भाग के लिए दस रुपये की दर होगी।";

(xxvii) नियम 85 च के परन्तुक स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जाएगा, अर्थात् :—

"परन्तु यदि प्रवृत्त अनुज्ञप्ति के नवीकरण के लिए आवेदन उसके अवसान के पूर्व, या यदि ऐसा आवेदन उसके अवसान के छह मास के भीतर अतिरिक्त फीस का सदाय करने के पश्चात् किया गया हो तो ऐसी अनुज्ञप्ति तब तक प्रवृत्त रहेगी जब तक उस आवेदन पर आदेश पारित नहीं कर दिए जाते और यदि अनुज्ञप्ति के नवीकरण के लिए आवेदन उसके अवसान के छह मास के भीतर न किया गया हो तो वह समाप्त हुई समझी जाएगी।";

(xxviii) नियम 85 ज के पश्चात् निम्नलिखित नियम अन्तःस्थापित किया जाएगा, अर्थात् :—

"85जज—**अनुज्ञप्ति के लिए आवेदक या अनुज्ञप्तिधारी द्वारा अनुज्ञापन प्राधिकारी को दी जाने वाली अतिरिक्त जानकारी**:— अनुज्ञप्ति की मंजूरी के लिए आवेदक या ऐसा अन्य व्यक्ति जिसको इस भाग के अधीन अनुज्ञप्ति मंजूर की गई है, यथास्थापित, अनुज्ञप्ति की मंजूरी से से पूर्व या अनुज्ञप्ति के प्रवृत्त रहने की अवधि के दौरान, अनुज्ञप्ति के लिए किए गए आवदन में या मंजूर की गई अनुज्ञप्ति में विनिर्दिष्ट परिसरों के किराए संबंधी या अन्य आधार पर स्वामित्व या अभिभोग फर्म के गठन या किसी अन्य ऐसी सुसंगत सामग्री की बाबत दस्तावेजी साक्ष्य, मांग किए जाने पर अनुज्ञापन प्राधिकारी को देगा जिसकी अपेक्षा, यथास्थिति, अनुज्ञप्ति के लिए आवेदन करते समय या अनुज्ञप्ति की अभिप्राप्ति के पश्चात्, आवेदक किया अनुज्ञप्तिधारी द्वारा किए गए कथनों की सत्यता का सत्यापालन करने के प्रयोजन के लिए की जाए।";

(xxix) नियम 96 में, उपनियम (1) के पश्चात्, उपनियम अन्तःस्थापित किया जाएगा, अर्थात् :—

"(1क) (क) कण्डोमों के लेवल पर मुद्रित या लिखी जाने वाली विशिष्टियां वे होंगी जो अनुसूची द में विनिर्दिष्ट हैं

(ख) सब से भीतर के ऐसे पात्र के लेवल पर और प्रत्येक अन्य आवेष्टक पर जिसमें कण्डोम से भिन्न गर्भनिरोधकों को अन्तर्विष्ट करने वाला पात्र पैक किया गया है निम्नलिखित अतिरिक्त विशिष्टियां पक्की स्याही से या तो मुद्रित की जाएगी या लिखी जाएगी और वे किसी सहजदृश्य रीति में दिखाई देगी, अर्थात् :—

(i) विनिर्माण की तारीख

(ii) वह तारीख जिस तक गर्भनिरोधक वस्तु के अपने गुण बनाए रखने की आशा है

(iii) खण्ड (ii) में उपदर्शित तारीख तक उस गर्भनिरोधक वस्तु के गुणों को बनाए रखने के लिए आवश्यक भण्डारकरण की दशाएं :

परन्तु मुखी गर्भनिरोधक वस्तुओं के पात्र के लेबल पर विनिर्माण की तारीख ही लिख देना पर्याप्त होगा ।";

(xxx) नियम 106-क में, उपनियम (ख) खण्ड (ii) के नीचे, अन्त में निम्नलिखित स्पष्टीकरण अन्तःस्थापित किया जाएगा, अर्थात् :—

"**स्पष्टीकरण** :— यह खण्ड भारत के बाहर विनिर्मित होमियोपथिक मदर टिंक्चरों को लागू नहीं होगा ।" ;

(xxxi) नियम 138 के उपनियम (2) के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

"(2) यदि कोई व्यक्ति अनुज्ञप्ति के अवसान के पश्चात् किन्तु अवसान के छह मास के भीतर उसके नवीकरण के लिए आवेदन करता है तो ऐसी अनुज्ञप्ति के नवीकरण के लिए सदय फीस दो सौ रुपए और अतिरिक्त फीस प्रतिमास या उसके किसी भाग के लिए एक सौ रुपए की दर से होगी :

परन्तु पांच से अनधिक व्यक्तियों को नियोजित करने वाले किसी छोटे विनिर्माता की दशा में, ऐसी अनुज्ञप्ति के अवसान के पश्चात् किन्तु ऐसे अवसान के छह मास के भीतर उसके नवीकरण के लिए सदय फीस चालीस रुपए अतिरिक्त फीस प्रतिमास या उसके किसी भाग के लिए बीस रुपए की दर से होगी ।" ;

(XXXII) नियम 140 के परन्तुक के स्थान पर, निम्नलिखित परन्तुक प्रतिस्थापित किया जाएगा, अर्थात :—

"परन्तु यदि प्रवृत्त अनुज्ञप्ति के नवीकरण के लिए आवेदन उसके अवसान के पूर्व, या यदि ऐसा आवेदन उसके अवसान के छह मास के भीतर, अतिरिक्त फीस का संदाय करने के पश्चात् किया गया हो तो ऐसी अनुज्ञप्ति तब तक प्रवृत्त रहेगी जब तक उस आवेदन पर आदेश पारित नहीं कर दिए जाते और यदि अनुज्ञप्ति के नवीकरण के लिए आवेदन उसके अवसान के छह मास के भीतर न किया गया हो तो वह समाप्त हुई समझी जाएगी।"

(XXXIII) नियम 142 के पश्चात्, निम्नलिखित नियम अन्तःस्थापित किया जाएगा, अर्थात :—

"**142 क – अनुज्ञप्ति के लिए आवेदक या अनुज्ञप्तिधारी द्वारा अनुज्ञापन प्राधिकारी को दी जाने वाली अतिरिक्त जानकारी** :— अनुज्ञप्ति की मंजूरी के लिए आवेदक या ऐसा व्यक्ति जिसकी इस भाग के अधीन अनुज्ञप्ति मंजूर की गई है, यथास्थिति अनुज्ञप्ति की मंजूरी से पूर्व या अनुज्ञप्ति के प्रवृत्त रहने की अवधि के दौरान, अनुज्ञप्ति के लिए किए गए आवेदन में या मंजूर की गई अनुज्ञप्ति में विनिर्दिष्ट परिसरों के किराए संबंधी या अन्य आधार पर स्वामित्व या अधिभोग, फर्म के गठन या किसी अन्य ऐसी सुसंगत सामग्री की बाबत दस्तावेजी साक्ष्य, मांग किए जाने पर अनुज्ञापन प्राधिकारी को देगा जिसकी अपेक्षा, यथास्थिति , अनुज्ञप्ति के लिए आवेदन करते समय या अनुज्ञप्ति की अभिप्राप्ति के पश्चात् आवेदक या अनुज्ञप्तिधारी द्वारा किए गए कथनों की सत्यता का सत्यापन करने के प्रयोजन के लिए की जाए ।"

(XXXIV) नियम 145 के पश्चात, निम्नलिखित नियम अन्तः स्थापित किए जाएंगे, अर्थात :—

"**145 क –प्रसाधन सामग्री के नमूने लेने के प्रयोजन के लिए सूचना का प्ररूप**:— जहां कोई निरीक्षक परीक्षण या विश्लेषण के प्रयोजन के लिए किसी प्रसाधन सामग्री का नमूना लेता है वहां वह प्ररूप 17 में ऐसे प्रयोजन की लिखित में सूचना उस व्यक्ति को देगा जिससे उसने वह नमूना लिया है ।

**145-ख–अभिगृहीत साधन सामग्री के लिए रसीद का प्ररूप**—अधिनियम की धारा 22 की उपधारा (1) के खंड (ग) के अधीन अभिगृहीत की गई किसी प्रसाधन सामग्री के स्टाक के लिए निरीक्षक द्वारा दी जाने वाली रसीद प्ररूप 16 में होगी ।";

(XXXV) अनुसूची क में;

(i) प्ररूप 16 और 17 के स्थान पर, निम्नलिखित प्ररूप प्रतिस्थापित किए जायेंगे, अर्थात् :—

"**प्ररूप 16**

(नियम 55 और 145 ख देखिए)

**अधिनियम की धारा 22 (1) (ग) के अधीन अभिगृहीत औषधि—द्रव्य प्रसाधन सामग्री के स्टाक की रसीद**

मैंने आज औषधि-द्रव्य और प्रसाधन सामग्री अधिनियम, 1940 की धारा 22 की उपधारा (1) के खंड (ग) के अधीन, औषधि-द्रव्य/प्रसाधन सामग्री के उस स्टाक का अभिग्रहण, जिसका ब्यौरा नीचे दिया गया है,————————स्थित————— के परिसरों से किया ।

तारीख————————— निरीक्षक—————

अभिगृहीत औषधि-द्रव्य/प्रसाधन सामग्री का ब्यौरा

तारीख————————— निरीक्षक—————

प्ररूप–17

(नियम 56 और 145 क देखिए)

उस व्यक्ति को सूचना जिससे नमूना लिया गया है ।

सेवा में,

———————

———————

———————

मैंने आज नीचे विनिर्दिष्ट औषधि द्रव्य/प्रसाधन सामग्री के नमूने परीक्षण या विश्लेषण के प्रयोजन के लिए———————— स्थित———————————— के परिसरों से लिए ।

तारीख———————— निरीक्षक————————

लिए गए नमूनों का ब्यौरा

तारीख———————— निरीक्षक————————

(ii) प्ररूप 21 में,

(क) पैरा 1 के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाएगा अर्थात् :—

"1————————को औषधि-द्रव्य और प्रसाधन, सामग्री नियम, 1945 की अनुसूची ग और ग(1) में विनिर्दिष्ट औषधि-द्रव्य के निम्नलिखित प्रवर्गों की फुटकर बिक्री करने, विक्रय के लिए स्टाक या प्रदर्शित करने या वितरण करन के लिए *और ————————स्थित परिसरों पर फार्मेसी चलाने के लिए एतद्द्वारा अनुज्ञप्त किया जाता है जो नीचे विनिर्दिष्ट शर्तों और औषधि-द्रव्य और प्रसाधन सामग्री अधिनियम, 1940 और उसके अधीन बनाए गए नियमों के उपबंधों के अधीन होगा ।"

(ख) पैरा 4 के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

"4–औषधि द्रव्य के प्रवर्ग————————" ;

(ग) "अनुज्ञापन प्राधिकारी" प्रविष्टि के पश्चात् "*" यदि लागू न हो तो काट दें" प्रविष्टि अन्तः स्थापित की जाएगी ;

(XXXVI) अनुसूची च में,

(1) भाग 1 में, खंड (ख) के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

"**(ख) वैक्सीनम वैसीग्राल (चेचक वैक्सीन) को लागू होने वाल उपबन्ध**

**परिभाषाएं**

**1. अन्तर्राष्ट्रीय नाम और यथार्थ नाम** :—

निर्मित का अन्तर्राष्ट्रीय नाम "वैक्सीनम वैरिग्रोल' और यथार्थ नाम "चेचक वैक्सीन" होगा ।

**2. वर्णनात्मक परिभाषा** :—वैक्सीन वैरिग्रोल (चेचक वैकसीन) जीवित पशुओं की त्वचा में या कुक्कुट भ्रूण की कला में या उपयुक्त ऊतकों के वाइट्रो-सम्बर्ध में उत्पन्न वक्सीनिया वाइरस की शुष्कित निर्मिति है और यह निर्मिति नीचे निरीपत सभी अपेक्षाओं को पूरा करेगी ।

**3. अन्तर्राष्ट्रीय नामक और निर्देश-निर्मित**:—चेचक वैक्सीन की अन्तर्राष्ट्रीय निर्देश -निर्मित (1962 में स्थापित) 14 मिग्रा हिम-शुष्कित चेचक वैक्सीन धारण करने वाले एम्पुल में औषधयोजित है । यह निर्देश निर्मित इंटरनेशनल लबोरेटरी फार बायोलिजकल स्टैण्डर्डस, स्टेटस सीरम इन्स्टीट्यूट, कोपनहेगन की अभिरक्षा में है । अन्तर्राष्ट्रीय निर्देश–निर्मिति इस देश में चेचक वैक्सीन के विनिर्माण और प्रयोगशाला नियंत्रण में उपयोग के लिए निर्देश-निर्मित के अनुसंशोधन के लिए आशयित है ।

**4. शब्दावली** :—

(1) **मुख्य बीज लाट** से किसी जीवित पशु की त्वचा के अनुकूल और उस पर उत्पन्न वाइरस का ऐसा परिणाम अभिप्रेत है जिसे एक साथ संसाधित किया गया हो और जिसका संघटन एक समान हो ।

(2) **गौण बीज लाट** से जीवित पशु की त्वचा में या कुक्कुट भ्रूण की जरायु-अपरापोषित कलाओं में या ऊतक संवर्धों में उत्पन्न वाइदरस का ऐसा परिमाण अभिप्रेत है जिसका संघटन एक समान हो और जो प्राथमिक बीज लाट से निकाले गए 5 विषाणुकांमित (पशुओं) से अधिक न हो ।

(3) **एकल संचय** से एक पशु से संचलित सामग्री का परिमाण या कुक्कुट भ्रूणों के किसी समूह से संचयित सामग्री का परिमाण या एक साथ मर्णेपत, उद्भवित और संचयित ऊतक संघर्ष अभिप्रेत है ।

(4) **प्रपुन्ज सामग्री** से संचयन के पश्चात् और अन्तिम पात्रों में भरे जाने के पूर्व किसी भी अवस्था में की सामग्री अभिप्रेत है । प्रपुन्ज सामग्री एक या एक से अधिक एकल संचयनों से तैयार की जाएगी ।

(5) **अन्तिम प्रपुन्ज** से वैक्सीन का वह परिमाण अभिप्रेत है जो भरन तैयारियों की समाप्ति के पश्चात् ऐसे पात्र में रखा हो जिससे अंतिम पात्र भरे जाते है ।

(6) **भरन लाट** (अन्तिम लाट से ऐसे मुद्राबन्द अन्तिम पात्रों का संग्रह अभिप्रेत है जो भरन और शुष्कन के दौरान संदूषण के खतरे को बाबत सदृश हों । इसलिए कोई भरन लाट एक ही कार्य सत्र में भरा गया । हो और एक साथ शुष्कित किया गया हो ।

(7) **चेचक उत्पन्न करने वाली इकाई** से वाइरस निलम्बन का ऐसा लघुतम परिमाण अभिप्रेत हैं जो कुक्कुट जरायु–अपरापोषिका कला पर एकल चेचक उत्पन्न करेगी ।

(8) **चकता उत्पन्न करने वाली इकाई** (बी एफ यू)से बाइरस निलम्बन का ऐसा लघुतम परिमाण अभिप्रेत है जो एकतर कोशिका सम्बद्ध में एकल प्राथमिक चिकित्सा करेगी ।

5. **साधारण विनिर्माण अपेक्षाएं**

चेचक वैक्सीन का निर्माता इन नियमों के अन्य उपबन्धों के अधीन रहते हुए अनुसूची ङ में यथा अधिकथित कर्मचारिवृन्द परिसर और उपस्कर रखेगा और इस अनुसूची के भाग 1 (क) में अन्तर्विष्ट उपबन्धों का वहां तक अनुपालन करेगा जहां तक वह चेचक वैक्सीन के विनिर्माण को लागू होती है ।

6. **उत्पादन नियंत्रण**

(क) **मूल पदार्थ वाइरस नस्ल का नियंत्रण**

(1) सभी बीज लाटों के उत्पादन में प्रयोग किए गए वाइरस नस्ल की पहचान ऐतिहासिक अभिलेखों द्वारा की जाएगी । वे अनुज्ञापन प्राधिकारी के समाधानप्रद रूप में प्रदर्शित कर दिए गए हों कि उनसे ऐसी रोगक्षमजन–वैक्सीन उत्पन्न हुई जो मनुष्य की त्वचा में विशेष वैक्सीनल विक्षप्ति पैदा करते है जिनके फलस्वरूप वेरिओल से मनुष्य की रक्षा करने के लिए ज्ञात वाइरस नस्ल का पुनः टीका लगाने की पश्चातवर्त्ती चुनौती सहन करने की क्षमता पैदा होती है । नस्ल खरगोश की त्वचा में कोष्ठकी –विस्फोट लक्षण और कुक्कुट भ्रूण की जरायु–अपरापोषिका कला में चेचक विज्ञप्ति का प्रत्युत्पादनीय लक्षण पैदा करेगी । इसके अतिरिक्त वैक्सीन नस्ल की विशेषता सीरम संबंधी परीक्षणों और पशु संरोपण से जानी जाएगी ।

(2) नस्ल की प्रकृति के सत्यापन के लिए किए जाने वाले सभी सामयिक परीक्षणों के अभिलेख रखे जायेंगे ।

(3) वैक्सीन उत्पादन के लिए प्रयोग की जाने वाली नस्ल ऐसी होनी चाहिए जिसने साधारणीकृत विक्षति या मनुष्य या पशुओं में तंत्रिका–तंत्र विज्ञप्ति उत्पन्न करने की प्रवृत्ति वैक्सीनिया वाइरस की ऐसी अन्य नस्ल से, जिसे बिना तीव्र स्थानीय विक्षति और सुस्पष्ट शारीरिक गड़बड़ी के संतोषजनक पाया गया हो, कभी अधिक न दिखाई हो । तथाकथित 'तंत्रिका वैक्सीन,' की नस्ल अलग कर दी जाएगी

7. **बीज वाइरस और वैक्सीन के उत्पादन के लिए पशु या ऊतक ।**

(1) केवल ऐसे स्वस्थ पशु या स्वस्थ पशुओं के ऊतक जो वैक्सीन या वाइरस के साथ बहिर्जेनस्तर संरोपण के लिए सुग्राह्य हो या ऐसे कुक्कुट भ्रूण जो स्वस्थ समूह से प्राप्त किए गए हों, वैक्सीन उत्पादन के लिए प्रयोग किए जाएंगे । ये इस मानकों के पैरा 10 में दी गई सभी अपेक्षाओं के अनुरूप होंगे । यदि कोशिका सम्बन्धों का प्रयोग वैक्सीन उत्पादन के लिए किया गया हो तो उनके बारे में यह दर्शित किया जाए कि वे अनुसन्धेय अस्थानिक पदार्थों से मुक्त हैं ।

(2) वैक्सीन उत्पादन के लिए या बीज वाइरस तैयार करने के लिए पशुओं की विभिन्न जातियों का प्रयोग किया जा सकेगा बछड़े, भेड़, भैंस, गधों और खरगोश का प्रयोग सफलता-पूर्वक किया जा सकेगा ।

(3) बढ़ते हुए कुक्कुट भ्रूण की जरायु-अपरापोषिका कला और भ्रूण या सग्राह्य जातियों के साथ बाल-पशुओं के ऊतक भी वाइरस प्रवर्धन के लिए उपयुक्त हो सकेंगे ।

8. **बीज लाट प्रणाली :–**

(1) गौण बीज-लाट तैयार करने के लिए मूल सामग्री के रूप में मुख्य बीज लाट का प्रयोग किया जाएगा । गौण बीज, लाट मुख्य बीज लाट से निकाले गए पांच विषाणुकामित (पशुओं) से अधिक नहीं होगा । यदि वैक्सिीन किसी जीवित पशु की त्वचा में उत्पन्न किया गया हो तो गौण बीज लाट, कुक्कुट भ्रूण या ऊतक कला में बिना विषाणुकामण के मुख्य बीज लाट तैयार किया जाएगा । वैक्सिीन, विषाणुकामित (पशु) को बिना अन्तराक्षेप किए, किसी बीज लाट से तैयार किया जाएगा ।

(2) बीज लाट शुष्कित, हिमीभूत या ग्लिसरीनित रूप में रखे जाएंगे । यदि किसी ग्लिसरीनित बीज लाट का प्रयोग किया गया हो तो उसे निरन्तर 0° सेन्टीग्रेड से कम के तापमान में रखा जाएगा ।

9. **बाह्य सूक्ष्मजीवों की उपस्थिति के लिए बीज लाट पर परीक्षण :–**

(1) पशुओं की त्वचा में वैक्सिीन के उत्पादन के लिए संरोपण के रूप में प्रयोग किए जाने वाले अवमिश्रण में का बीज लाट इन मानकों की पैरा 14 की अपेक्षाओं को पूरा करेगा ।

2 कुक्कुट भ्रूण में या ऊतक सम्वर्ध में वैक्सीन के उत्पादन के लिए प्रयोग किया जाने वाला बीज लाट, पुनः जलयोजन, यदि लागू हो, के पश्चात् पैरा 19 की अपेक्षिओं को पूरा करेगा ।

10(ख) परिसरों, कमरों, उपकरणों, उपस्करों और सामग्रियों की स्वच्छता से सम्बन्धित बातों में चेचक वैक्सीन के उत्पादन में प्रयोग की जाने वाली उत्पादन पूर्वाविधानियां और संदूषण के प्रति पूर्वाविधानियां ऐसी होंगी जो वैक्सीन की शुद्धता, निर्जीवाणुकता और सामर्थ्य सुनिश्चित करेगी और निम्नलिखित अतिरिक्त पूर्वाविधानियों के साथ अनुज्ञापन प्राधिकारी द्वारा अनुमोदिता की जाएगी, अर्थात्:–

(1) जहां वैक्सीन जीवित पशुओं की त्वचा में उत्पादन किए गए हों :–

(क) पशुओं को बाह्य परिजीवों से मुक्त किया जाएगा और प्रत्येक पशु को बीज वाइरस के संरोपण के कम से कम दो सप्ताह के लिए पशुचिकित्सा संम्बन्धी पर्यवेक्षण के अधीन संगरोध में रखा जाएगा

संरोपण से पूर्व पशुओं को साफ किया जाएगा और उसके पश्चात् नितान्त स्वच्छ पशु- गृहों में तब तक रखा जाएगा जब तक वैक्सीनल सामग्री संचयित न कर ली जाए ।

(ख) पशु संरोपण के पूर्व पांच दिन की अवधि के दौरान और उद्भवन के दौरान पशुचिकित्सा सम्बन्धी पर्यवेक्षण के अधीन रहेंगे । वे रोग के सभी लक्षणों से मुक्त रहेंगे और उनका दैनिक मलाशय-तापमान अभिलिखित किया जाएगा । यदि ताप-मान में कोई असामान्य वृद्धि हुई हो, या यदि रोग का कोई लक्षण मालूम हुआ हो तो संयुक्त पशुओं के समूह से वैक्सीन का उत्पादन तब तक के लिए बन्द कर किया जाएगा जब तक कि इन अनि-यमितताओं के कारण का निदान न हो जाए ! संक्रामक रोग दूर करने के लिए अपनाई गई रोग-निरोधी और निदानकारी प्रक्रियाएं अनुमोदन के लिए अनुज्ञापन प्राधिकारी, को भेजी जाएगी ।

(ग) बीज वाइरस संरोपण पशु के ऐसे अंगों में किया जाएगा जो मूत्र और विष्ठा से दूषित न हों । संरोपण के लिए प्रयोग की जाने वाली जगह के इस प्रकार बाल काटे जाएंगे और उसे साफ किया जाएगा ताकि शल्य चिकित्सा सम्बन्धी अपूति की निकटतम संभव अनुरूपता उपाप्त की जा सके यदि साफ करने की प्रक्रिया में वाइरस के लिए हानिकार किसी पूतिरोध पदार्थ का प्रयोग किया गया हो तो संपरोण से पूर्व उसे निर्जीवाणुक जल से पूरी तरह धोकर साफ किया जाएगा । संरपोण के दौरान पशु के शरीर की खुली वह जगह जिसका संरोपण के लिए प्रयोग न किया गया हो, निर्जीवाणुक आवरण से ढक दी जाएगी ।

(घ) वैक्सीनल सामग्री, के संग्रह के पूर्व, प्रतिजीवी पदार्थ हटा लिया जाएगा और संरोपित भाग पर साफ करने की प्रक्रिया की पुनारावृत्ति की जाएगी । असंरोपित जगह निर्जीवाणुक आवरण से ढक दी जाएगी ।

(ङ) संचयन से पूर्व, पशु को बिना कष्ट दिए मार दिया जाएगा । पशुओं को, रक्त के साथ वैक्सीन सामग्री का अधिक मिश्रण न होने देने के लिए संचयन के पूर्व रक्तहीन किया जाएगा ।

(च) प्रत्येक पशु से, वैक्सीनल सामग्री अपूतित पूर्वाविधा-नियों के साथ अलग-अलग संग्रह की जाएगी ।

(छ) वैक्सीन के उत्पादन में प्रयोग किए गए सभी पशुओं की, मार दिये जाने के पश्चात् शवपरीक्ष की जाएगी यदि वैक्सीनिया के सिवाय कोई व्यापक्त या शरीरिक रोग का लक्षण पाया जाए तो उस पशु की वैक्सीनल सामग्री अलग कर दी जाएगी । यदि रोग संचारी समझा जाए तो उससे प्रभावित पशुओं के सम्पूर्ण समह का संचयन अलग कर दिया जाएगा ।

(2) **जहां वैक्सीन कुक्कुट भ्रूण में उत्पन्न किए जाते हैं:—**

(क) केवल ऐसे अण्डे प्रयोग किए जाएंगे जो ऐसे समूह के होंगे जिनके बारे में ज्ञात हो कि वे रोग जिसमें एवीयन ल्यूकोसिस भी शामिल है, से मुक्त है ।

(ख) विशेष रूप से, यह वांछनीय है कि अण्डे ऐसे समूह से प्राप्त किए जाने चाहिए जो **सालामनेल्ला पुलोरम माइकोंबैक्टुरियम टूबरकुलोसिस राउज वाइरस, माइकोप्लाजमा** और कुक्कुटों के लिए रोगजनक अन्य पदार्थों से मुक्त हों ।

(ग) जीवित भ्रूण, यथोचित अवधि तक संद्भवन के पश्चात् ऐसे बीज वाइरस के साथ संरोपत किए जाएंगे जो इन मानकों के पैरा 8 और 9 की अपेक्षाओं को पूरा करेंगे । यथोचित अवधि तक और उद्भवन के पश्चात्, वैक्सीनल सामग्री अपतिक पूर्वाविधानियों के साथ संचायित की जाएगी ।

(3) **जहां वैक्सीन ऊतक सम्बर्धों में उत्पन्न किए जाते हैं :—**

(क) केवल ऐसे मुख्य ऊतक सम्बर्ध प्रयोग किए जाएंगे जो ऐसे पशुओं के होंगे जिनके बारे में ज्ञात हो कि वे रोगमुक्त हैं । वाइरस, अपूतिक अपूर्वाधानियों सहित निकाले और संचियित किए जाएंगे । मानव-उद्गम की कोई सामग्री किसी प्रक्रम में संम्बर्ध में नहीं मिलाई जाएगी ।

(ख) निर्जीवाणुकरण के लिए अपेक्षित न्यूनतम सान्द्रता के उपर्युक्त प्रतिजीवि पदार्थ प्रयोग किए जा सकेंगे परन्तु पेनिसिलिन और स्टेप्टोमाइसिन का प्रयोग प्रतिषिद्ध है ।

11. **प्रपुन्ज सामग्री का नियंत्रण**

(1) आरम्भिक अभिक्रिया प्रत्येक पशु की त्वचा से संचयित वैक्सीनल सामग्री जीवित बाह्य सूक्ष्यम जीवों के अंश को कम करने के लिए अभिकल्पित अभिक्रिया के अधीन होगी । यदि आवश्यक हो तो इसे पैरा 14 की अपेक्षाओं को पूरा करना चाहिए । कोई भी प्रतिजीवी पदार्थ प्रपुंज सामग्री में नहीं मिलाई जाएगी ।

(2) वैक्सीन की अभिक्रिया किसी उपर्युक्त प्रतिजीवाणु पदार्थ के मिश्रण या केन्द्रीय पसरण द्वारा सूक्ष्मजीवों के निराकरण के रूप में हो सकेगी ।

(3) कुक्कुट भ्रूण या ऊतर सम्बर्ध से संचयित वैक्सीनल सामग्री को ऐसी अभिक्रिया की आवश्यकता नहीं परन्तु ग्लिसेराल या कोई प्रतिजीवी पदार्थ बाद में होने वाले संदषण के प्रति पूर्वाधानी के रूप में मिलाया जाना चाहिए ।

12. **अन्तिम प्रपुन्ज** ;

(1) आरम्भिक अभिक्रिया के पश्चात् प्रपुन्ज सामग्री के अवमिश्रण के पूर्व वैक्सीन की और प्रक्रिया की जा सकेगी ।

(2) अन्तिम प्रपुन्ज बनाने के पूर्व शक्ति के लिए और जीवित बाह्य सूक्ष्म जीवों की उपस्थिति के लिए एकल संचयन पर प्रारम्भिक परीक्षण करना आवश्यक होने चाहिए ।

13. **अन्तिम प्रपुन्ज बाइरस सान्द्रता के लिए परीक्षण**:—

अन्तिम प्रपुन्ज इन मानकों के पैरा 24 में वर्णित बाइरस सान्द्रता के लिए परीक्षण में पास होगा ।

14. **जीवित पशुओं की त्वचा में तैयार किए गए अन्तिम प्रपुन्ज में जीवित बाह्य सुक्ष्म जीवों की उपस्थिति के लिए परीक्षण**:—

अन्तिम प्रपुन्ज जीवित बाह्य सूक्ष्मजीवों की उपस्थिति के लिए निम्नलिखित परीक्षण पास करेगा, यदि ये परीक्षण अन्तिम प्रपुन्ज में प्रतिनिहित प्रत्येक एकल संचयन द्वारा पहले ही पास न कर दिए गए हों ।

15. **कुल जीवा अशंण के लिए परीक्षण** :—

(1) अन्तिम प्रपुन्ज के 1:10 और 1:100 के उपयुक्त अवमिश्रण ऐसे उपयुक्त अवमिश्रक में बनाए जाएंगे जो जीवित जीवाणु के लिए हानिकार न हो । प्रत्येक अवमिश्रण के कम से कम एक मिली के तीन नमूने पोषक युप ऐगार प्लेटों पर सम्बन्धित किये जायेगें । प्लेटों के उदभवन 15° सेन्टीग्रेड और 22° सेन्टीग्रेड के बीच 72 घंटों तक और 35° सेन्टीग्रेड और 37° ग्रेड को बीच 48 घंटों की और अवधि तक किया जाएगा । प्लेट पर प्रकट होने वाली कालोनियों की संख्या से अंतिम प्रपुन्ज के 1 मिली में जीवित जीवाणु संख्या की गणना की जाएगी यदि यह संख्या 500 से अधिक हो तो अन्तिम प्रपुन्ज की और अभिक्रिया की जाएगी या उसे अलग कर दिया जाएगा ।

(2) अन्तिम प्रपुन्ज के उच्चतर अवमिश्रण वाले उपयुक्त नियंत्रण प्लेट यह निश्चित करने के लिए इस परीक्षण में संम्मिलित किए जाएंगे कि परीक्षण प्लेटों पर प्रकट होने वाली कालोनियों की संख्या अन्तिम प्रपुन्ज में की किसी परिरक्षक की निरोधी क्रिया द्वारा प्रभावित नहीं हैं ।

16. **एशेरिशिया कोलाइ की उपस्थिति के लिए परीक्षण**:—

अन्तिम प्रपुन्ज के 1:10 अवमिश्रण के कम से कम 1 मिली के तीन नमूने, अन्य जीवाणु से एशेरिशिया कोलाइ का विभेद करने के लिए 10 मिली माध्यम धारण करने वाली तीन मैक कोन्की ब्रथ माध्यम नलियों में सम्बर्धित किए जाएगें । नलियों का उदभवन 35° सेन्टीग्रेड से 37° सेन्टीग्रेड पर 48 घंटो तक किया जाएगा । यदि ऐशेरिशिया कोलाइ का पता चले तो अन्तिम प्रपुन्ज की और अभिक्रिया की जाएगी या उसे अलग कर दिया जाएगा ।

17. **ऐसे रक्त संलायी स्ट्रोप्टोकाकसी कोएगुलेस-धनात्मक स्ट्रोफिलोकाकसी या कोई अन्य रोग जनक सूक्ष्मजीवाणु की उपस्थिति के लिए परीक्षण जो मानव शरीर में वक्सीनेशन की प्रक्रिया द्वारा समाविष्ट किये जाने पर हानिकर माने जाते हैं**

(1) अनावमिश्रित अन्तिम प्रपुन्ज 0.1 मिली का प्रत्येक वैक्सीन तीन रक्त ऐगर प्लेटों पर सम्बधित किया जाएगा और प्लेटों का दो दिन तक 35° से 37° सेन्टीग्रेड पर उद्भवन किया जाना चाहिए । ऐसे उद्भवन के पश्चात् प्रकट होने वाली क लोनियों की, बी० एन्थासिस रक्तयलायी स्ट्रेप्टोकाकसी, कोएगुलेस धनात्मक स्टेफिलोकाकसी या किसी अन्य रोगजनक सूक्ष्म जीवाणु के बारे में आलोचनात्मक जांच की जाएगी । यदि इनमें से किसी जीवाणु का पता चले तो उनका पुष्टीकारी परीक्षण किया जाएगा ।

(2) यदि वर्णित किसी जीवाणु का पता चले तो अन्तिम प्रपुन्ज की और स अभिक्रिया की जाएगी या उसे अलग कर दिया जाएगा ।

18. **क्लोस्ट्रीडियम टेटेनाइ और अन्य रोगजनक जीवाणु (इसोर) पैदा करनेवाले वातनिरपेक्षीकी उपस्थिति के लिए परीक्षण**

(1) 0.5 मिली अनावमिश्रित अन्तिम प्रपुन्ज या वैक्सीन ऐसे 18–फलारक में मिलाया जाएगा जिनमें 50 मिली रोबर्टसन्स कुक्ड मीट माध्यम हो, तो फलारक एक घंटे तक 65° सेन्टीग्रेड पर रखा जाएगा और उसके पश्चात् कम से कम एक सप्ताह तक 35° से 37° सेन्टीग्रेड पर उद्भवन किया जाएगा । कम से कम दो फलारक प्रत्येक परीक्षण के लिए प्रयोग किए जाएंगे ।

(2) किसी सन्देहयुक्त वर्धन की दशा में, उप-सम्वर्ध ऐसे उपयुक्त माध्यम की दो प्लेटों पर बनाए जाएंगे जिनका उसी तापमान पर वातनिरपेक्षी रूप से उद्भवन किया जाएगा । सभी वातनिरपेक्षी कालोनियों की परीक्षा और वे पहचान की जाएंगी और यदि उसमें कलोस्ट्रीडियम टेटेनाइ या अन्य रोगजनक जीवाणु पैदा करने वाले वातनिरपेक्षी पाए जाएं तो अन्तिम प्रपुन्ज अलग कर दिया जाएगा ।

(3) उस नली सम्वर्ध में पाए गए रोगजनक क्लोस्ट्रीडिया से मिलते-जुलते जीवाणुओं का जिनसे उप-सम्वर्ध बनाया गया था पशुओं में उसे संरोपित करके रोगजनकता के बारे में निम्न प्रकार परीक्षण किया जा सकेगा : परखे जाने वाले प्रत्येक नली सम्वर्ध के लिए दो गिनि-पिग और पांच चूहों से अन्यूव के समूहों का प्रयोग किया जाता है । 0.5 मिली सम्वर्ध को 0.1 मिली कैल्सियम क्लोराइड के ताजे तैयार किए गए चार प्रतिशत घोल के साथ मिलाया जाता है और उसका प्रत्येक गिन-पिग को अन्तःपेशी घोल इंजेक्शव लगा दिया जाता है; इस 0.1 मिली कैल्सियम क्लोराइड के साथ मिश्रित 0.2 मिली सम्वर्ध का प्रत्येक चूहे को अन्तःपेशी इंजेक्शन लगा दिया जाता है । एक सप्ताह तक पशुओं का प्रेक्षण किया जाता है । यदि किसी पशु में टेट्नस के लक्षण प्रकट होते हैं या कोई पशु बीजाणु पैदा करने वाले वातनिरपेक्षी के संक्रमण के परिणामस्वरूप मर जाता है तो अन्तिम प्रपुन्ज अलग कर दिया जाना चाहिए ।

(4) यदि इस परीक्षण के लिए अन्य पद्धतियों का प्रयोग किया गया हो तो वे अनुज्ञापान प्राधिकारी के समाधानप्रद रूप में प्रदर्शित कर दी गई हों कि वे क्लोस्ट्रिडियम टेटेनाइ और अन्य

रोगजनक बीजाणु पैदा करने वाले वातनिरपेक्षियों की उपस्थिति का पता लगाने के लिए कम से कम उतनी ही प्रभावशील हैं।

**19. कुक्कुट भ्रूण या उसके सम्बर्ध में तैयार अन्तिम प्रपुन्ज की जीवाणु-विज्ञान-संबंधी निर्जीवाणुकता के लिए परीक्षण :**

प्रत्येक अन्तिम प्रपुन्ज का, तत्समय भारतीय भेषजकोष में दी गई अपेक्षाओं के अनुसार जीवाणुक-विज्ञान-संबंधी निर्जीवाणुकता के लिए परीक्षण किया जाएगा। यदि किसी सम्बर्ध में कोई बढ़ोतरी मालूम होती है तो पुनरावृत्त परीक्षण के लिए अन्तिम प्रपुन्ज अलग दिया जाएगा। यदि उसी प्रकार के सूक्ष्मजीव एक से अधिक परीक्षण में पाए जाएं तो अन्तिम प्रपुन्ज अलग कर दिया जाएगा किन्तु कोई अन्तिम प्रपुन्ज तब तक पास नहीं किया जाएगा जब तक अन्तिम परीक्षण में आद्योपान्त कोई उन्नति न हुई हो।

**भरन और पात्र**

**20. भरन कक्ष :**

इस प्रयोजन के लिए भरन आरक्षित कक्षों में किया जाएगा। ये ऐसे निर्जीवाणुक कक्ष होंगे जिनमें प्रपुन्ज पात्रों से अन्तिम पात्रों में परिष्कृत जैविक पदार्थों की मापित मात्रा अन्तरित करने के लिए विनिर्दिष्ट रूप से उपस्कर जुटाए गए हों। धूल नियंत्रण के सम्यक् उपाय और अपूतिक तकनीक यह सुनिश्चित करने के लिए प्रयोग की जाएंगी कि भरन-प्रक्रिया के दौरान उत्पाद संदूषित न हो।

**21. भरन-प्रक्रिया :**

(1) भरन क्रिया इस प्रकार की जाएगी जिससे उत्पाद का किसी संदूषण या अदल-बदल से बचाव हो सके। उन्हें ऐसे स्थानों पर रखा जाएगा जो उन स्थानों से पूर्णतः पृथक हों जहां जीवित सूक्ष्मजीव, जिनमें वाइरस भी सम्मिलित हैं, रखने के लिए व्यवस्था की गई हो।

(2) भरन प्रक्रिया, प्रत्येक वर्ष कम से कम दो बार किसी कार्य दिवस के अन्त में किसी ऐसे पोषक माध्यम जिसमें कोई प्रति जीवी या जीवाणु स्तम्भक पदार्थ न हो, के साथ कम से कम 500 ऐम्पुल भर कर और भरे हुए ऐम्पुलों के पूरे वर्ग के उदभन द्वारा जांची जाएंगी। इस प्रकार भरे हुए ऐम्पुलों के । प्रतिशत से अधिक में संदूषण के चिह्न प्रकट नहीं होने चाहिए और सभी संदूषक पहचाने जाने चाहिए।

(3) अन्तिम वैक्सीन के सभी पात्र भरन के पूर्व निर्जीवाणुक होंगे और अनुज्ञापन प्रधिकारी के समाधान रूप में प्रदर्शित ऐसे पदार्थ के बने होंगे जिससे वैक्सीन पर कोई हानिकर प्रभाव न हो।

(4) वैक्सीन चूर्ण के पात्रों को शुद्ध शुष्क आक्सीजन- मुक्त नाइट्रोजन या किसी ऐसी गैस, जो वैक्सीन के लिए, हानिकर न हो से भरने के पश्चात् निर्वात के अन्तर्गत संमुद्रित किया जाएगा।

(5) सभी संमुद्रित पात्रों का, मुद्राबन्द करने के पश्चात् परीक्षण किया जाएगा कि उनसे क्षरण तो नहीं होता। सभी त्रुटि-पूर्ण पात्र अलग कर दिए जाएंगे।

(6) एकल और बहुल मात्रा के पात्र प्रयोग किए जा सकेंगे। वैक्सीन चूर्ण का प्रत्येक पात्र द्रव का पुनर्निर्माण करने वाले निर्जीवाणुक के एक ऐम्पुल के साथ निकाला जाएगा। इस द्रव में ग्लिसेराल और / या कोई उपयुक्त पूतिरोधी पदार्थ हो सकेगा। पात्र उस रूप में निकाले जाएंगे जिससे पुनर्निर्माण प्रक्रिया यथासम्भव सरल हो सके।

**अन्तिम उत्पाद पर नियंत्रण परीक्षण**

**22. पहचान परीक्षण**

(1) पहचान परीक्षण प्रत्येक भरन लॉट में के कम से कम एक लेबल लगे पात्र पर समुचित पद्धतियों द्वारा किया जाएगा।

(2) पैरा 24 में यथा वर्णित वाइरस सान्द्रता के लिए परीक्षण, पहचान परीक्षण के रूप में काम आ सकेगा।

(3) परीक्षण खरगोशों की नश्तर लगी त्वचा में भी किया जा सकेगा। वैक्सीन के उपयुक्त अवमिश्रण, त्वचा के नश्तर लगे भाग में लगाए जाएंगे। वैक्सीन को चार से सात दिन के पश्चात् वैक्सीनिया की विक्षति विशिष्ट प्रदर्शित करनी चहिए।

**23. अन्तिम पात्रों में के वैक्सीन पर वाइरस सान्द्रता के लिए परीक्षण।**

(1) वाइरस सान्द्रता के लिए परीक्षण, पैरा 24 में वर्णित अपेक्षाओं के अनुसार प्रत्येक भरन लौट पर किया जाएगा। इस प्रयोजन के लिए वैक्सीन-चूर्ण का परीक्षण करने के पूर्व उस रूप में पुनर्निर्माण किया जाएगा जिस रूप में उसे मनुष्य पर संरोपण के लिए प्रयोग किया जाना है।

(2) परीक्षण ऐसे निर्देश वैक्सीन के अनुरूप किए जाएंगे जो चेचक-वैक्सीन की अन्तर्राष्ट्रीय निर्देश निर्मित के प्रति अनुसंशोधित किया गया है।

**24. कुक्कुट भ्रूण की कलाओं में वाइरस सान्द्रता के लिए परीक्षण।**

कम से कम दस कुक्कुट भ्रूण, जिसमें से प्रत्येक का उद्भवन लगभग 12 दिन का हो, दो समान समूहों में विभाजित किए जाएंगे। प्रथम समूह के प्रत्येक भ्रूण की जरायु—अपरापोपिका कला में वैक्सीन क 0.1 मिली या 0.2 मिली उपयुक्त अवमिश्रण प्रयुक्त किया जाएगा द्वितीय समूह के प्रत्येक भ्रूण की कला में वैक्सीन का दूसरा 0.1 मिली या 0.2 मिली उपयुक्त अवमिश्रण प्रयुक्त किया जाएगा। विविक्त की कुल संख्या के उद्भवन के आप्टिमल समय के पश्चात् विनिर्दिष्ट विक्षतियों की गणना प्रत्येक भ्रूण की कला पर की जाएंगी। ऐसे अवमिश्रण इस प्रकार चुने जाएंगे कि कम से कम एक समूह की कला, विक्षति की गणना योग्य संख्या उत्पन्न करें जो प्रति कला दस से अधिक हों। इस समूह में गणना की गई विक्षतियों की संख्या से और अवमिश्रण और उपयोग की गई मात्रा से एक मिली (अनावमिश्रित) वैक्सीन में चेचक उत्पन्न करने वाली इकाइयों की संख्या की गणना की जाएगी। $\times$ 108 से अधिक होगी।

25. **अन्य परीक्षण**

खरगोशों की नश्तर लगी त्वचा में वाइरस सान्द्रता के लिए किए गए परीक्षण तभी प्रयोग किए जाएंगे जब यह स्पष्ट किया गया हो कि परिणाम, उन परिणामों से परस्पर सम्बन्धित हैं जो कुक्कुट भ्रूण की कला के प्रयोग से प्राप्त हुए हैं ।

26. **अन्तिम पात्रों में के वैक्सीन म जीवित वाह्य सूक्ष्म जीवों की उपस्थिति के लिए परीक्षण**

कम से कम चार अन्तिम (पात्र या यदि एकल मात्रा–पात्र हों या तो कम से कम (10) जिन की कुल एकत्रित मात्रा जो 0.5 मिली से अन्यून मात्रा के समतुल्य हो, प्रत्येक भरन लॉट से बिना तरीख इस प्रकार लिए जाएंगे कि प्रपुन्ज पात्र से भरने की सभी अवस्थाएं उसमें आ सकें । इस प्रयोजन के लिए वैक्सीन-चूर्ण का उस रूप में पुनर्निर्माण किया जाएगा जिस रूप में उसे मनुष्य पर संरोपण के लिए प्रयोग किया जाना है । इस प्रकार संग्रहीत वैक्सीन पैरा 15 और 19, इनमें से जो भी लागू हों, में वर्णित परीक्षण पास करेगा ।

27. **अहानिकर परीक्षण**

प्रत्येक भरन लौट का समुचित परीक्षण द्वारा, जिसके अन्तर्गत खरगोशों को इंजेक्शन लगाना भी सम्मिलित है, अपसामान्य विषालुता के लिए परीक्षण किया जाएगा । परीक्षण अनुज्ञापन अधिकारी द्वारा अनुमोदित किए जाएंगे । इ,स परीक्षण के लिए चूहे और गिनि–पिग का भी प्रयोग किया जा सकेगा ।

28. **वैक्सीन–चूर्ण पर ऊष्मा–प्रतिरोधक परीक्षण**

प्रत्येक भरन लौट में से वैक्सीन-चूर्ण के कम से कम एक पात्र का उद्भवन 37° सेन्टीग्रेड से अन्यून तापमान पर कम से कम चार सप्ताह तक किया जाएगा और उसका वाइरस सान्द्रता के लिए परीक्षण किया जाएगा । यदि पैरा 24 में वर्णित अपेक्षाएं पूरी हो गई हों और वाइरस सान्द्रता का कम से कम दसवां भाग रह गया हो तो वैक्सीन परीक्षण में खरा उतरता है ।

29. **परिरक्षक और मिलाए अन्य पदार्थ**

सेचक-वैक्सीन में कोई प्रतिजीवी पदार्थ नहीं मिलाए जाएंगे । यदि पुनर्निमित वैक्सीन चूर्ण में परिरक्षक या मिलाए गए अन्य पदार्थ हों तो ऐसे पदार्थ अनुज्ञापन प्राधिकारी के समाधानप्रद रूप में दिखा दिए गए हों कि उपस्थित परिमाण में उनका उत्पाद पर कोई हानिकर प्रभाव नहीं होगा और उनकी वैक्सीन दिए गए प्राणियों पर कोई अनपेक्षित प्रतिक्रिया नहीं होगी । यदि उनमें फेनोल हो तो उसकी सान्द्रता 0.5 प्रतिशत से अधिक नहीं होगी । इसके अतिरिक्त प्रयोग किया गया पदार्थ भारतीय भेषजकोष की अपेक्षाओं के अनुरूप होगा ।

**प्रकीर्ण**

30. **अभिलेख**

अभिलेख स्थायी होंगे और वे प्रसंस्करण, परीक्षण, भरने और वितरण की सभी कार्यवाहियों को स्पष्टतः दर्शित करेंगे । सभी परीक्षणों के लिखित अभिलेख रखे जाएंगे चाहे उनके कोई भी परिणाम रहे हों । अभिलेख अनुज्ञापन प्राधिकारी द्वारा अनुमोदत रीति में रखे जाएंगे । अभिलेख उस अवधि तक रखे जाएंगे जो वैक्सीन के किसी लॉट या बैच पर अवसान की तरीख के रूप में दी गई हो और वे सभी समयों पर निरीक्षक द्वारा निरीक्षण करने के लिए उपलब्ध होंगे ।

31. **प्रतिदर्श**

विनिर्माता द्वारा खा गए सभी सम्वर्ध के पूरे संक्रमण––इतिहास के अभिलेख रखे जाएंगे । सम्वर्थ पर लेबल लगाए जाएंगे और उनको सुरक्षित और क्रमबद्ध रीति से भण्डार में रखा जाएगा ।

32. (i) **लेबल लगाना**

(क) इन नियमों के अन्य उपबन्ध के अधीन रहते हुए पात्र पर लगे लेबल पर निम्नलिखित दर्शित किया जाएग, अर्थात् :––

(i) वैक्सीन का नाम (अर्थात् अन्तर्राष्ट्रीय नाम या यथार्थ नाम)

(ii) विनिर्माण कारबार का मुख्य स्थान

(iii) बैच संख्या या लाट संख्या

(iv) पात्र में के डोजों की कुल संख्या

(ख) पैकेज के लेबल पर, पात्र के लेबल पर दर्शित की गई जानकारी के अतिरिक्त, निम्नलिखित विशिष्टियां दी जाएंगी :––

(i) विनिर्माता का नाम और पता,

(ii) विनिर्माण अनुज्ञप्ति संख्या जिसके पहले "विनिर्माण अनुज्ञप्ति संख्या" या "विनिर्माण अनुज्ञप्ति सं०" या "वि० अ०" शब्द उस दशा में जोड़े जाएंगे जब वैक्सीन का विनिर्माण इस देश में किया गया हो ।

(iii) विनिर्माण की तारीख और अवसान की तारीख ।

(iv) वैक्सीन के गुणों को बनाए रखने के लिए आवश्यक पूर्वाविधानियां, और

(v) यदि कोई पूतिरोधी या परिरक्षक पदार्थ मिलाया गया हो तो उसकी प्रकृति और उसका प्रतिशत ।

(2) पैकेज के साथ लगी पर्ची में निम्नलिखित अतिरिक्त जानकरी दी जाएगी, अर्थात् :––

(क) भण्डार करण की दशाएं,

(ख) प्रयोग करने के लिए अनुदेश,

(ग) वैक्सीन के पुनर्गठन की पद्धति, और

(घ) यह विवरण कि वैक्सीन - चूर्ण को पुनः जलयोजित करने के पश्चात, वैक्सीन का प्रयोग छह घंटे के भीतर कर लेना चाहिए ।

33. भण्डारकरण **की दशाएं**–विनिर्माण, स्थापन द्वारा वितरित किए जाने से पूर्व, या वैक्सीन को रिजर्वों में रखने के लिए किसी डिपो से निकालने से पूर्व, सभी वैक्सीन - चूर्ण उनके अन्तिम

पात्रों में निरन्तर $+10^{\circ}$ सेन्टीग्रेड से कम के तापमान में रखे जाएंगे ।

34. **अवसान की तारीख**—वह तारीख, जिसके पश्चात् वैक्सीन चूर्ण का प्रयोग नहीं किया जाएगा, वाइरस सान्द्रता संबंधी किए गए अन्तिम परीक्षण के पश्चात 36 मास से अधिक नहीं होगी । अवसान की तारीख वाइरस सान्द्रता संबंधी किए गए अन्तिम परीक्षण के पश्चात 36 मास से अधिक नहीं होगी । किन्तु अवसान की तारीख वैक्सीन-चूर्ण के संबंध में उस तारीख से बारह मास से अधिक नहीं होगी जिसको वैक्सीन विनिर्माता द्वारा जारी किया गया था ।"

(ii) भाग 9 में, 'यकृत इंजेक्शन फूड' शीर्षक के नीचे,

(क) पैरा 4 (ख) में, "किसी जलकुंड में शुष्क होने तक वाष्पित करें" शब्दों के स्थान पर, "किसी जल-कुंड में जब तक वाष्पित करके शुष्क करें" शब्द प्रतिस्थापित किए जाएंगे ;

(ख) पैरा 4 (ङ०) के स्थान पर, निम्नलिखित पैरा प्रतिस्थापित किया जाएगा, अर्थात् :–

"(ङ०) निर्जीवाणुकता परीक्षण – यकृत इंजेक्शन फूड भारतीय भेषजकोश के संस्करण में तत्समय "इंजेक्शनों" के लिए अधिकथित निर्जीवाणुता परीक्षण का अनुपालन करेंगे ।"

(ग) पैरा 4 (च) के स्थान पर, निम्नलिखित पैरा प्रतिस्थापित किया जाएगा, अर्थात् :—

"(च) **शक्ति** – शक्ति का अवधारण भारतीय भेषज-कोश के संस्करण में तत्समय यथाविनिर्दिष्ट विटामिन बी 12 सक्रियता के प्राक्कलन से सम्बद्ध सूक्ष्म-जीवविज्ञान पद्धति से किया जाएगा और वह लेबल पर लिखी हुई शक्ति से कम नहीं होगा ।" ;

(iii) भाग 12 में, खण्ड (ङ०) में –

(क) शीर्षक में से 'सार' शब्द लुप्त कर दिया जाएगा ;

(ख) 'यकृत सान्द्र' से सम्बन्धित मद 2 में, –

(1) तीसरे पैरा में से निम्नलिखित वाक्य लुप्त कर दिया जाएगा, अर्थात :–

"उसमें 0·1 प्रतिशत बेंजाइक एसिड या अन्य अहानिकर परीरक्षक पदार्थों की उपयुक्त सान्द्रता अन्तर्विष्ट होगी ।"

(2) चौथे पैरा में, अन्त में निम्नलिखित वाक्य अन्तःस्थापित किया जाएगा, अर्थात :—

" इसमें 0.1 प्रतिशत बेंजाइक एसिड या अन्य अहानिकर परीरक्षक पदार्थों की उपयुक्त सान्द्रता अन्तर्विष्ट होगी ।" ;

(ग) 'प्रोटीनलायित यकृत' से संबंधित मद 5 में, –

(1) तीसरे पैरा में, "2 एम सी जी" अंकों और अक्षरों के स्थान पर, निम्नलिखित अंक और अक्षर प्रतिस्थापित किए जाएंगे, अर्थात:–

"4 एम० सी० जी०"

(2) चौथे पैरा में, "फोर्मल" शब्द के स्थान पर, "फोर्मोल" शब्द प्रतिस्थापित किया जाएगा ;

(3) अन्त में, निम्नलिखित पैरा अन्तःस्थापित किए जाएंगे, अर्थात् :–

**"मुखी प्रयोग के लिए यकृत की निर्मिति पर लेबल लगाने की रीति**.—इन नियमों और इस अनुसूची के अन्य उपबन्धों के अधीन रहते हुए, मुखी-प्रयोग के लिए यकृत की किसी ऐसी निर्मिति के लेबल पर, जिसके लिए मानक अनुसूची के इस भाग में अधिकथित किए गए हैं, यथा विहित निर्मिति का नाम होगा ।

यदि मुखी-प्रयोग के लिए यकृत की निर्मिति किसी पेस्ट के रूप में प्रस्तुत की गई है तो 'पेस्ट' शब्द विहित नाम के साथ जोड़ा जाएगा और ठोस अंश, मात्र/भार का भी लेबल पर उल्लेख किया जाएगा ।

यदि किसी पेटन्ट या एकाकृत निर्मिति में ऊपर विहित एक या एक से अधिक मुखी-प्रयोग के लिए यकृत की निर्मितियां अन्तर्विष्ट हों तो ऐसी पेटन्ट या एकाकृत निर्मिति का सूत्र इस भाग में विहित, यथास्थिति, निर्मिति का नाम या निर्मितियों के नाम और मात्रा दर्शित करेगा, जो पेस्ट का प्रयोग करते समय शुष्क-आधार पर दबाकर निकाली जाएगी ।" ;

(xxxvii) अनुसूची ट में, –

(i) मद 13 के सामने, स्तम्भ 1 में, "औषधि–द्रव्यों का वर्ग" शीर्षक के नीचे, "(क) अण्डी का तेल" से प्रारम्भ होने वाली और "(ङ०) क्विनीन की टिकिया" से समाप्त होने वाली उपमद (क) से (ङ०) के स्थान पर, निम्नलिखित उपमदें प्रतिस्थापित की जाएंगी, अर्थात :–

"(1) एस्पिरिन की टिकिया ।

(2) ए० पी० सी० की टिकिया और चूर्ण ।

(3) पीडाहर मलहम ।

(4) प्रत्यम्ल निर्मितियां ।

(5) शिशुओं के उपयोग के लिए ग्राईप वाटर ।

(6) श्वसित्र जिनमें शीत और नासा द्रवाधिक्य के इलाज से सम्बद्ध औषधि–द्रव्य अन्तर्विष्ट हों ।

(7) कफ के लिए शर्बत, लाजेंज, गोली और टिकिया ।

(8) वाह्य प्रयोग के लिए लेप ।

(9) त्वचा-मरहम और छालों का मरहम

(10) अवशोषक रुई, पटिटयां, अवशोषक गाज और आंसजी पलस्तर।

(11) अण्डी का तेल, द्रव पैराफिन और एप्सम लवण।

(12) यूकेलिप्टस तेल।

(13) टिंक्चर आयोडिन टिंक्चर बेंजाइन सी० ओ० और मरक्यूरोक्रोम का घोल जो 100 मिली लीटर से अनधिक के पात्रों में हो।

(14) क्विनीन सल्फेट भा० भे० की टिकियां

(15) आयोडोक्लोरोहाइड्रोक्सीक्विनोलीन की टिकिया– 250 मिली ग्राम।" ;

(ii) मद 18 और उससे संबंधित प्रविष्टियों के पश्चात, निम्नलिखित मद और प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

| "औषधि द्रव्यों का वर्ग | छूट का विस्तार और शर्तें |
|---|---|
| 19. मनुष्यों द्वारा दाढ़ी जमाने के लिए प्रयोग किए जाने वाले और उसके अधीन बनाए गए हेयर फिक्सर, अर्थात गोंद नियमों के उपबन्ध।" ; युक्त चिपचिपी निर्मितियां। | इस अधिनियम के अध्याय 4 |

(xxxviii) अनुसूची ड में, "(2) संयंत्र और उपस्कर की आवश्यकताएं" पैरा के नीचे, —

(i) उप पैरा (क), (ख), (ग), (घ) में, "300 वर्ग फीट" अंकों और शब्दों के स्थान पर, "30 वर्ग मीटर" अंक और शब्द प्रतिस्थापित किए जाएंगे ;

(ii) उप पैरा (ङ०) में, "200 वर्ग फीट" अंकों और शब्दों के स्थान पर, "20 वर्ग मीटर" अंक और शब्द प्रतिस्थापित किए जाएंगे ;

(iii) उप पैरा (च) में, "300 वर्गफीट" अंकों और शब्दों के स्थान पर, "30 वर्गमीटर" अंक और शब्द प्रतिस्थापित किए जाएंगे ;

(iv) उप पैरा (छ) में, "250 वर्गफीट" अंकों और शब्दों के स्थान पर, "25 वर्गमीटर" अंक और शब्द प्रतिस्थापित किए जाएंगे ;

(v) उप-परा (ज) और (झ) में, "200 वर्गफीट" अंकों और शब्दों के स्थान पर, "20 वर्गमीटर" अंक और शब्द प्रतिस्थापित किए जाएंगे ;

(vi) उप पैरा (ञ) में "300 वर्गफीट" अंकों और शब्दों के स्थान पर, "30 वर्गमीटर" अंक और शब्द प्रतिस्थापित किए जाएंगे ;

(vii) उप पैरा (ट) में, "600 वर्गफीट" अंकों और शब्दों के स्थान पर, "60 वर्ग मीटर" अंक और शब्द प्रतिस्थापित किए जाएंगे ;

(xxxix) अनुसूची ढ के स्थान पर, निम्नलिखित अनुसूची प्रतिस्थापित की जाएगी —

## अनुसूची 'ढ'

[नियम 64 (1) देखिए]

### किसी फार्मेसी को वधतापूर्वक चलाने के लिए न्यूनतम उपस्कर की सूची

I. **प्रवेशद्वार :** फार्मेसी के प्रवेशद्वार पर "फार्मेसी" लिखा होगा।

II. **परिसर :** फार्मेसी के परिसर निजी प्रयोग में आने वाले कमरों से अलग किए जाएंगे। परिसर अच्छी तरह बनाए जाएंगे, शुष्क होंगे, पर्याप्त रूप से प्रकाशयुक्त और संवातित रखे जाएंगे और स्टाक में माल, विशेषतः साफ साफ दृश्य मान और उचित रीति में रखे जाने वाले औषधद्रव्य और विष, के लिए उनकी लम्बाई-चौड़ाई पर्याप्त होगी। औषध-वितरण विभाग के रूप में प्रयुक्त किए जाने वाले खण्ड का क्षेत्र उसमें कार्य करने वाले एक फार्मेसिस्ट के लिए 6 वर्ग मीटर और प्रत्येक अतिरिक्त फार्मेसिस्ट के लिए अतिरिक्त 2 वर्ग मीटर से कम नहीं होगा परिसरों की ऊंचाई कम से कम 2.5 मीटर होगी।

फार्मेसी का फर्श चिकना और धोनेयोग्य होगा। दीवालें पलस्तर युक्त या वार्निशयुक्त या तैल रंजित होंगी ताकि उनकी चिकनी, टिकाऊ और धोने योग्य सतह को छेदों, दरारों और बिलों रहित रखा जा सके।

फार्मेसी के लिए अच्छे किस्म के जल के प्रदाय की पर्याप्त व्यवस्था की जाएगी।

औषध-वितरण विभाग को जनता के प्रवेश को रोकने के लिए कोई रोक लगा कर अलग किया जाएगा।

III. **फर्निचर और साधित्र:** फार्मेसी के फर्निचर और साधित्र उन प्रयोगों के उपयुक्त होंगे जिनके लिए वे आशयित हैं और वे स्थापन

के आकार और आवश्यकताओं के समरूप होंगे ।

औषधि, रसायन और औषधद्रव्य उनके गुणों के लिए समुचित कमरे में और ऐसे विशेष पात्रों में रखे जाएंगे जो उनकी अन्तर्वस्तुओं के और उनके पास रखे पात्रों की अन्तर्वस्तुओं के क्षय को रोकेंगे । औषधद्रव्य रखने के लिए प्रयुक्त दराज, शीशे की खिड़कियां और अन्य पात्र उपयुक्त आकार के होंगे और धूल को अन्दर जाने से रोकने हेतु मजबूती से बन्द किए जाने योग्य होंगे ।

प्रत्येक पात्र पर भेषजकोशों में दिए हुए औषधद्रव्यों के नामों सहित समुचित आकार के, सुगमता से पढ़े जाने योग्य लेबल लगे होंगे ।

फार्मेसी में ऐसी औषध-वितरण-बेंच की व्यवस्था की जाएगी जिसका ऊपरी हिस्सा स्टेनलेस स्टील परत या प्लास्टिक आदि जैसे धोने योग्य और अभेद्य सामग्री से अच्छादित होगा ।

फार्मेसी में विष के भण्डारकरण के लिए ताले और चाबी वाली अलमारी की व्यवस्था की जाएगी और उस पर सफेद पृष्ठभूमि पर लाल अक्षरों में "विष" शब्द स्पष्टतया चिन्हित किया जाएगा ।

सभी सान्द्रित घोलों के पात्रों पर एक विशेष लेबल लगा होगा या उसे "अवमिश्रित किया जाने वाला" शब्दों से चिन्हित किया जाएगा ।

फार्मेसी में कम से कम निम्नलिखित साधित्रों और पुस्तकों की व्यवस्था की जाएगी जो आधिकारिक निर्मितियां और नुस्खे तैयार करने के लिए आवश्यक हैं :—

**साधित्र**

तुला, औषध-वितरण, सुग्राहिता 30 मिलीग्राम ।
तुला, काउन्टर क्षमता 3 किलोग्राम, सुग्राहिता 1 ग्राम ।
बीकर, चोंचयुक्त, प्रकीर्ण आकार ।
बोतल नुस्खा, बिना निशान लगी प्रकीर्ण आकार ।
कार्क प्रकीर्ण आकार और टेपर ।
कार्क, एक्सट्रैक्टर ।
वाष्पन पात्र; चीनी मिट्टी ।
फिल्टर-पत्र ।
कीप, कांच ।
लिटमस-पत्र, नीला और लाल ।
मापक गिलास बेलनाकार 10 मिली, 25 मिली, 100 मिली और 500 मिली ।
खरल और मुसली, कांच ।
खरल और मुसली, बढ़िया चीनी मिट्टी ।
मरहम बर्तन बेकेलिट या उपयुक्त टोपियों सहित ।
मरहम सिल्ली, चीनी मिट्टी ।
पिपेट, निशान लगे, 2 मिली, 5 मिली और 10 मिली
वलय, स्टैन्ड (रिटार्ट) लोहा, वलय युक्त ।
रबड़ को मुहर और पैड ।
कैंची ।
स्पैचुला, रबड़ या वल्केनाइट ।
स्पैचुला, स्टेनलेस स्टील ।
स्पिरिट-लैम्प ।
गिलास विलोडन छड़ ।
थर्मामीटर, $0^{\circ}$ से $200^{\circ}$ सेन्टीग्रेड ।
त्रिपाद धातु ।
वाच-गिलास ।
जलकुण्ड ।

जलआसवन भभका यदि आंख की दवाई और नेत्र लोशन तैयार करना हो ।

बाट, मीटरी, 1 मिग्रा० से 100 ग्राम ।
तार की जाली ।
* गोली बनाने वाला यंत्र बाक्सबुड ।
* गोली बनाने की मशीन ।
* गोली के लिये बक्से ।
* वर्तिका सांचा ।

**पुस्तकें**

भारतीय भेषजकोश (नवीन संस्करण)
नेशनल फोर्मुलरी आफ इण्डिया (नवीन संस्करण)
औषधि-द्रव्य और प्रसाधन सामग्री अधिनियम, 1940
औषधि-द्रव्य और प्रसाधन सामग्री नियम, 1945
फार्मेसी अधिनियम, 1948
अनिष्टकर औषधि-द्रव्य अधिनियम, 1930

IV साधारण उपबन्ध—फार्मेसी, रजिस्ट्रीकृत फार्मेसिस्ट की निरन्तर वैयक्तिक पर्यवेक्षण के अधीन चलाई जाएगी जिसका नाम परिसरों में सहजदृश्य रूप में संप्रदर्शित किया जाएगा ।

फार्मेसिस्ट हमेशा साफ और सफेद ओवरआल पहनेगा ।

फार्मेसी के परिसर और फिटिंग ठीक हालत में रखे जाएंगे और प्रत्येक चीज तरतीब में और साफ होंगी ।

सभी अभिलेख और रजिस्टर प्रवृत्त विधि के अनुसार रखे जाएंगे ।

विष-आलमारी से निकाला गया हरेक पात्र उसका प्रयोग करने के पश्चात् तुरन्त उसमें रख दिया जाएगा और आलमारी का ताला लगा दिया जाएगा । विष-आलमारी की चाबियां उत्तरदायित्वपूर्ण व्यक्ति की व्यक्तिगत अभिरक्षा में रखी जाएंगी ।

औषधद्रव्यों का प्रदाय करते समय उन पर प्रवृत्त विधि के उपबन्धों के अनुरूप लेबल लगाये जाएंगे ।

**टिप्पण :—**

यदि अनुज्ञापन प्राधिकारी की यह राय है कि अनुज्ञप्तिधारी द्वारा वितरित, मिश्रित या तैयार किए गए औषधिद्रव्यों की प्रकृति को ध्यान में रखते हुए किसी विशिष्ट मामले की परिस्थितियों में उपरोक्त अपेक्षाओं को शिथिल करना या अतिरिक्त अपेक्षाएं अधिरोपित करना आवश्यक है तो उपरोक्त अपेक्षाएं उसके विवेकानुसार शिथिल की जाएंगी । उस सम्बन्ध में अनुज्ञापन प्राधिकारी का विनिश्चय अन्तिम होगा ।

## अनुसूची

औषधि-द्रव्य और प्रसाधन सामग्री नियम, 1945 में और संशोधन करने के लिए प्रकाशित प्रारूपों की विशिष्टियां

| क्रम सं० | नियमों का संक्षिप्त नाम | संशोधन के लिए प्रस्थापित औषधि-द्रव्य और प्रसाधन सामग्री नियम, 1945 की संख्या | अधिसूचना सं० और तारीख | भारत के राजपत्र की भाग सं०, तारीख और पृष्ठ जिसमें अधिसूचना प्रकाशित की गई | वह तारीख जिसको राजपत्र की प्रतियां जनता को उपलब्ध कराई गईं | ऐसे व्यक्तियों से, जिनका प्रस्थापित संशोधन से प्रभावित होना सम्भाव्य था, आक्षेपों और सुझावों की प्राप्ति के लिए नियत अन्तिम तारीख |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1970 | नियम 2—खंड (ङ०ङ०) | 1-57/68-डी०, ता० 19-1-70 | भाग II—खंड 3 (ii) का० आ० 345 ता० 31-1-70 पृष्ठ 610-611 | 2-2-1970 | 15 अप्रैल, 1970 |
| 2. | —यथोक्त— | नया नियम 3—क | 1-23/70-डी० ता० 30-3-70 | भाग II—खंड 3 (ii) का० आ० 1336, ता० 11-4-70 पृष्ठ 1849 | 13-4-70 | 20 जून 1970 |
| 3. | —यथोक्त— | नया नियम 32—क | 1-127/69-डी०, ता० 18-4-70 | भाग II—खंड 3 (ii) का० आ० 1555 ता० 2-5-70 पृष्ठ 2088 | 4-5-70 | 16 जुलाई, 1970 |
| 4. | —यथोक्त— | नियम 45 | 1-127/69-डी०, ता० 18-4-70 | —यथोक्त | —यथोक्त— | —यथोक्त— |
| 5. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1969 | नियम 49—इस नियम का परन्तुक | 1-100/68-डी० ता० 26-5-69 | भाग II—खंड 3 (ii) का० आ० 2181, ता० 7-6-69 पृष्ठ 2273-2274 | 9-6-69 | 31 अगस्त, 1969 |
| 6. | —यथोक्त— | नियम 50 | 1-53/68-डी०, ता० 10-4-69 | भाग II—खंड 3(ii) का० आ० 1458, ता० 19-4-69 पृष्ठ 1368 | 21-4-69 | 25 जून, 1969 |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| 7. | —यथोक्त— | नियम 59 (3) उप-नियम 3 का परन्तुक | 1-46/68-डी०, ता० 3-6-1969 | भाग II—खंड 3(ii) का० आ० 2257 ता० 14-6-69 पृष्ठ 2408 | 16-6-69 | 31 अगस्त, 1969 |
| 8 | —यथोक्त— | नियम 63—नियम का परन्तुक | —यथोक्त— | —यथोक्त— | —यथोक्त | —यथोक्त— |
| 9. | —यथोक्त— | नियम 65—उपनियम (3) | 1-4/68-डी० ता० 13-3-69 | भाग II—खंड 3(ii) का आ० 1113 ता० 22-3-69 पृष्ठ 1098-1099 | 24-3-69 | 30 मई, 1969 |
| 10. | —यथोक्त— | नियम 65—नया उपनि-यम (11-क) | 1-20/67-डी०, ता० 3-12-69 | भाग II—खंड 3(ii) का आ० 4962 ता० 20-12-69 पृष्ठ 5375 | 22-12-68 | 20 फरवरी, 1970 |
| 11. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1968 | नियम 65—उपनियम (12) | 1-23/68-डी०, ता० 29-11-68 | भाग II—खंड 3(ii) का०आ० 4414 ता० 14-12-68 पृष्ठ 5619 | 16-12-68 | 15 मार्च, 1969 |
| 12. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1969 | नया नियम 65-क | 1-15/68-डी०, ता० 21-5-69 | भाग II—खंड 3(ii) का० आ० 2210, ता० 31-5-69 पृष्ठ 2209 | 2-6-69 | 31 अगस्त, 1969 |
| 13. | औषधि-द्रव्य और प्रसाधन सामग्री, (संशोधन) नियम, 1968 | नियम 66—उपनियम (1) का परन्तुक | 1-6/67-डी०, ता० 1-6-68 | भाग II—खंड 3(ii) का० आ० 2094 ता० 15-6-68 पृष्ठ 2960 | 17-6-68 | 1 सितम्बर, 1968 |
| 14. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1969 | नियम 67-क—उपनियम (2) का परन्तुक | 1-46/68-डी० ता० 3-6-69 | भाग II—खंड 3(ii) का० आ० 2257 ता० 14-6-69 पृष्ठ 2408 | 16-6-69 | 31 अगस्त, 1969 |
| 15. | —यथोक्त— | नियम 67-ड०—नियम का परन्तुक | —यथोक्त— | —यथोक्त— | —यथोक्त— | —यथोक्त— |
| 16. | —यथोक्त— | नया नियम 67-छठ | 1-15/68-डी० ता० 21-5-69 | भाग II—खंड 3(ii) का० आ० 2110 ता० 31-5-69 पृष्ठ 2239 | 2-6-69 | —यथोक्त— |
| 17. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1968 | नियम 67-ज—उपनियम (1) का परन्तुक | 1-6/67-डी०, ता० 1-6-68 | भाग II—खंड 3(ii) का० आ० 2094 ता० 15-6-68 पृष्ठ 2960 | 17-6-68 | 1 सितम्बर, 1968 |
| 18. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1969 | नियम 69—उपनियम (2) | 1-12/67-डी०, ता० 18-3-69 | भाग II खंड 3(ii) का०आ० 1112, ता० 22-3-69 पृष्ठ 1097-1098 | 24-3-69 | 30 मई, 1969 |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| 19. | —यथोक्त— | नियम 69—उपनियम (3) | 1—45/68—डी० ता० 3—6—69 | भाग II खंड 3 (ii) का०आ० 2257, ता० 14—6—69 पृष्ठ 2408 | 16—6—69 | 31 अगस्त, 1969 |
| 20. | —यथोक्त— | नियम 69—क—उपनियम (1) का परन्तुक | —यथोक्त— | —यथोक्त— | —यथोक्त— | —यथोक्त— |
| 21. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1970 | नियम 71—क—खंड (2) | 1—127/69—डी० ता० 18—4—70 | भाग II—खंड 3(ii) का० आ० 1555 ता० 2—5—70 पृष्ठ 2088 | 4—5—70 | 16 जुलाई, 1970 |
| 22 | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1969 | नियम 72—इस नियम का परन्तुक | 1—45/68—डी०, ता० 3—6—69 | भाग II—खंड 3(ii) का०आ० 2257, ता० 14—6—69 पृष्ठ 2408 | 16—6—69 | 31 अगस्त, 1969 |
| 23. | —यथोक्त— | नियम 73 क क—इस नियम का परन्तुक | —यथोक्त— | भाग II—खंड 3(ii) का०आ० 2257 ता० 14—6—69 पृष्ठ 2409 | —यथोक्त— | —यथोक्त— |
| 24. | —यथोक्त— | नियम 75—नियम का परन्तुक | —यथोक्त— | —यथोक्त— | —यथोक्त— | —यथोक्त— |
| 25. | —यथोक्त— | नियम 75क—उपनियम (i) का परन्तुक | —यथोक्त— | —यथोक्त— | —यथोक्त— | —यथोक्त— |
| 26. | —यथोक्त— | नियम 77—नियम का परन्तुक | —यथोक्त— | —यथोक्त— | —यथोक्त— | —यथोक्त— |
| 27. | —यथोक्त— | नियम 83 कक—नियम का परन्तुक | —यथोक्त— | —यथोक्त— | —यथोक्त— | —यथोक्त— |
| 28. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1968 | नया नियम 84—क | 1—15/63—डी०, ता० 25—10—68 | भाग II—खंड 3(ii) का०आ० 3867, ता० 2—11—68 पृष्ठ 4894—4895 | 4—11—68 | 31 जनवरी, 1969 |
| 29. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1969 | नया नियम 84—कक | 1—15/68—डी०, ता० 21—5—1969 | भाग II—खंड 3(ii) का०आ० 2110 ता० 31—5—69 पृष्ठ 2239—2240. | 2—6—69 | 31 अगस्त, 1969 |
| 30. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1969 | नियम 85—ख—उपनियम (3) | 1—46/68—डी०, ता० 3—6—69 | भाग II खंड 3(ii) का०आ० 2257 ता० 14—6—69 पृष्ठ 2409 | 16—9—69 | 31 अगस्त, 1969 |

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| 31. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम 1969 | नियम 85—च-नियम का परन्तुक | 146/68-डी० ता० 3-6-69 | भाग II खंड 3 (ii) का०आ० 2257 ता० 14-6-69 पृष्ठ 2409 | 16-9-69 | 31 अगस्त 1969 |
| 32. | यथोक्त | नया नियम 85 जज | 1-15/68-डी०, ता० 21-5-69 | भाग II—खंड 3(ii) का०आ० 2110, ता० 31-5-69 पृष्ठ 2240 | 2-6-69 | यथोक्त |
| 33. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1968 | नियम 96—नया उप-नियम (1-क) | 1-6-165-डी०, ता० 19-2-68 | भाग II—खंड 3(ii) का०आ० 772 ता० 2-3-68 पृष्ठ 1231-1232 | 4-3-68 | 10 मई, 1968 |
| 34. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1970 | नियम 106—क—उपनियम (ख) के खंड (ii) का स्पष्टीकरण | 1-127/79-डी०, ता० 18-4-70 | भाग II—खंड 3(ii) का०आ० 1555 ता० 2-5-70 पृष्ठ 2089 | 4-5-70 | 16 जुलाई, 1970 |
| 35. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1969 | नियम 138—उपनियम (2) और उप-नियम (2) का परन्तुक | 1-46/88-डी०, ता० 3-6-69 | भाग II खंड 3(ii) का०आ० 2257 ता० 14-6-69 पृष्ठ 2409-2410 | 16-6-69 | 31 अगस्त, 1969 |
| 36. | यथोक्त | नियम 140—नियम का परन्तुक | यथोक्त | भाग II—खंड 3(ii) का०आ० 2257 ता० 14-6-69 पृष्ठ 2410 | यथोक्त | यथोक्त |
| 37. | यथोक्त | नया नियम 142—क | 1-15/68-डी०, ता० 21-5-69 | भाग II—खंड 3(ii) का०आ० 2110 ता० 31-5-69 पृष्ठ 2240 | 2-6-69 | यथोक्त |
| 38. | यथोक्त | नया नियम 145—क | 1-44/68-डी०, ता० 23-4-69 | भाग II—खंड 3(ii) का०आ० 1761 ता० 10-5-69 पृष्ठ 1662 | 12-5-69 | 25 जून, 1969 |
| 39. | यथोक्त | नया नियम 145—ख | यथोक्त | यथोक्त | यथोक्त | यथोक्त |
| 40. | —यथोक्त | अनुसूची-क, प्ररूप 16 और 17 | यथोक्त | भाग II-खंड 3(ii) का०आ० 1761 ता० 10-5-69 पृष्ठ 1662-1663 | यथोक्त | यथोक्त |
| 41. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1970 | अनुसूची-क, प्ररूप 21 | 1-9/70-डी०, ता० 17-4-70 | भाग II- खंड 3(ii) का०आ० 1554 ता० 2-5-70 पृष्ठ 2088 | 4-5-70 | 15 जुलाई, 1970 |
| 42. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1968 | अनुसूची-च, भाग 1 खंड (ख) | 1-3/68-डी०, ता० 30-12-68 | भाग II-खंड 3(ii) का०आ० 127 ता० 11-1-69 पृष्ठ 181-187 | 13-1-69 | 15 मार्च, 1969 |

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| 43. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1969 | अनुसूची-च भाग 9 | 1-10/69-डी० ता० 26-5-69 | भाग II-खंड 3(ii) का०आ० 2180 ता० 7-6-69 पृष्ठ 2272-2273 | 9-6-69 | 31 अगस्त, 1969 |
| 44. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1969 | अनुसूची-च भाग 12 | यथोक्त | यथोक्त | यथोक्त | यथोक्त |
| 45. | —यथोक्त— | अनुसूची-ट | 1-127/69-डी० ता० 18-4-70 | भाग II-खंड 3(ii) का० आ० 1555, ता० 2-5-70 पृष्ठ 2089 | 4-5-70 | 16 जुलाई, 1970 |
| 46. | औषधि द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1970 | अनुसूची-ट ,नई प्रविष्ट 19 | यथोक्त | यथोक्त | यथोक्त | यथोक्त |
| 47. | औषधि-द्रव्य और प्रसाधन सामग्री (संशोधन) नियम, 1969 | अनुसूची -ड | 1-2/68-डी०, ता० 11-6-69 | भाग II-खंड 3(ii) का०आ० 2360 ता० 21-6-69 पृष्ठ 2478. | 23-6-69 | 15 सितम्बर, 1969 |
| 48. | यथोक्त | अनुसूचरी-ड | 1-17/68-डी०, ता० 16-6-69 | भाग II-खंड 3(ii) का०आ० 2481 ता० 28-6-69 पृष्ठ 2612-2614 | 30-6-69 | 10 सितम्बर, 1969 |

*इन वस्तुओं की व्यवस्था केवल उनके द्वारा की जायेगी जो यथास्थिति गोलियां या वर्तिका बनाना चाहते हैं।)"

[सं० एक्स० 11014/12/72-डी]

(रमेश बहादुर)

अवर सचिव,

## MINISTRY OF EXTERNAL AFFAIRS

*New Delhi, the 30th May 1972*

**S.O. 2140.**—In exercise of the powers conferred by Rule 6(IA) of the Haj Committee Rules, 1963 (as amended), the Govt. of India hereby declare vacant the seat of Shri Hayatullah Ansari, Member of the Haj Committee, Bombay as established by the Govt. of India under their Notification No. M.II-1181(4)/67, dated the 28th October, 1967, as he has ceased to be a member of the Rajya Sabha.

[No. M.II-1181(4)/67.]

M. H. ANSARI, Dy. Secy.
(Haj and Wana).

नई दिल्ली, 30 मई, 1972

**एस० आ० 2140** हज समिति नियम, 1963 (यथा संशोधित) के नियम 6 (आई ए) में प्रदत्त अधिकार द्वारा भारत सरकार एतद्द्वारा हज समिति बम्बई के सदस्य श्री हयातुल्लाह अन्सारी का स्थान रिक्त घोषित करती है क्योंकि वे अब राज्य सभा के सदस्य नहीं है, भारत सरकार ने अधिसूचना सख्या एम-दो-1181 (4)/67, दिनांक 28 अक्तूबर, 1967 के अधीन उनकी नियुक्ति की घोषणा की थी।

[संख्या एम-II-1181 (4) 67]

एम० एम० अन्सारी, उप सचिव
(हज तथा वाना)

## MINISTRY OF RAILWAYS

**(Railway Board)**

*New Delhi, the 3rd June, 1972.*

**S.O. 2141.**—In exercise of the powers conferred by sub-section (1) of section 36 of the Indian Electricity Act, 1910 (9 of 1910), the Central Government hereby makes the following further amendment to the Notification of the Government of India (Ministry of Railways) No. 67/Elec/112/1 dated 18th July, 1967 as amended subsequently vide their Notification dated 24 / 31 August, 1967.

Add the following against jurisdiction of Chief Electrical Engineer, Northern Railway, under item 3:

"Government of India—Ministry of Railways, Research Design and Standards Organisation, Lucknow."

[No. 67/Elec/112/1.]

K. R. RAMACHANDRAN, *for* Secy.

**रेल मंत्रालय**

**(रेलवे बोर्ड)**

नई दिल्ली, 3 जून, 1972

एस० ओ० 2141.—भारतीय बिजली अधिनियम, 1910 (1910 का 9) की धारा 36 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, भारत सरकार (रेल मंत्रालय) की 24/31-8-67 की अधिसूचना द्वारा यथा-संशोधित उसकी 18-7-67 की अधिसूचना सं० 67/इलैक्/112/1 में आगे और निम्नलिखित संशोधन करती है ।

मद 3 के अन्तर्गत, 'मुख्य बिजली इंजीनियर, उत्तर रेलवे का अधिकार-क्षेत्र'—के सामने निम्नलिखित को जोड़िए :

"भारत सरकार रेल मंत्रालय, अनुसंधान, अभिकल्प और मानक संगठन, लखनऊ ।"

[सं० 67/इलैक्/112/1]

के० आर० रामचन्द्रन, कृते सचिव ।

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**MINISTRY OF IRRIGATION AND POWER**

*New Delhi, the 18th May 1972*

**S.O. 2142.**—In exercise of the powers conferred by clause (a), of sub-section (2) of section 80 of the Punjab Re-organisation Act, 1966 (31 of 1966), the Central Government, in consultation with the successer States and the State of Rajasthan, hereby appoints the Chairman, Himachal Pradesh State Electricity Board and the Member (Technical), Himachal Pradesh State Electricity Board as members of the Beas Construction Board constituted by the Notification of the Government of India in the Ministry of Irrigation & Power, No. S.O. 3507, dated the 1st October, 1967 and directs that the following further amendments shall be made in the said notification, namely:—

In the said notification;—

(1) in item (3), for the words "and the Union territory of Himachal Pradesh", the words "and Himachal Pradesh" shall be substituted;

(2) for item (13) and the entry relating thereto, the following item and the entry shall be substituted, namely:

"(13) The Chairman, State Electricity Boards of Punjab, Haryana, Rajasthan and Himachal Pradesh.";

(3) item No. 14 and the entry relating thereto shall be omitted;

(4) items (15) and (16) shall be re-numbered as items (14) and (15) respectively, and for item (15) as so re-numbered and the entry relating thereto, the following item and the entry shall be substituted, namely:—

"(15) Members (Technical), State Electricity Boards of Punjab, Haryana, Rajasthan and Himachal Pradesh.";

(5) items (17) to (19) shall be re-numbered as items (16) to (18) respectively.

[No. F. 17/123/67-B&B.]

S. L. CHATTERJI,, Under Secy.

**सिंचाई और विद्युत् मंत्रालय**

नई दिल्ली, 18 मई, 1972

**का० आ० 2142.**—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 80 की उपधारा (2) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, उत्तरवर्ती राज्यों और राजस्थान राज्य से परामर्श करके, अध्यक्ष, हिमाचल प्रदेश राज्य विद्युत् बोर्ड और सदस्य (तकनीकी), हिमाचल प्रदेश राज्य विद्युत् बोर्ड, को भारत सरकार के सिंचाई और विद्युत मंत्रालय की अधिसूचना सं० का० आ० 3507, तारीख 1 अक्तूबर, 1967 द्वारा गठित ब्यास सन्निमणि बोर्ड के सदस्य नियुक्त करती है और निदेश देती है कि उक्त अधिसूचना में निम्नलिखित और संशोधन किए जाएंगे, अर्थात् :—

उक्त अधिसूचना में —

1. मद (3) में "और हिमाचल प्रदेश का संघ राज्य क्षेत्र" शब्दों के स्थान पर "और हिमाचल प्रदेश" प्रतिस्थापित किए जाएंगे ;

2. मद (13) और उससे सम्बद्ध प्रविष्टि के स्थान पर निम्नलिखित पद और प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् :—

'(13) पंजाब, हरियाणा, राजस्थान और हिमाचल प्रदेश के राज्य विद्युत् बोर्डों के अध्यक्ष ।';

3. मद संख्या 14 और उससे सम्बद्ध प्रविष्टि लुप्त कर दी जाएगी ।

4. मद (15) और (16) को क्रमशः मद (14) और (15) के रूप में पुनः संख्यांकित किया जाएगा और इस प्रकार पुनः संख्यांकित मद (15) और उससे सम्बद्ध प्रविष्टि के स्थान पर निम्नलिखित मद और प्रविष्टि के स्थान पर निम्नलिखित मद और प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् :—

(15) पंजाब, हरियाणा, राजस्थान और हिमाचल प्रदेश के राज्य विद्युत् बोर्डों के सदस्य (तकनीकी)।';

5. मद (17) से (19) तक को क्रमशः मद (16) से (18) के रूप में पुनः संख्यांकित किया जाएगा ।

[स० फा० 17/128/67-बी० एण्ड बी०]

एस० एल० चटर्जी, अवर सचिव ।

## MINISTRY OF COMMUNICATIONS

**(P. & T. Board)**

*New Delhi, the 20th April 1972*

**S.O. 2143.**—In exercise of the powers conferred by section 10 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

1. (1) These rules may be called the Indian Post Office (Eighth Amendment) Rules, 1972.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 152-A of the Indian Post Office Rules, 1933, for the figures and word "13 Paise", the figures and word "20 Paise" shall be substituted.

[No. 42/15/68-CF.]

K. R. MURTHY, Director (M

## संचार मंत्रालय

**(डाक-तार बोर्ड)**

नई दिल्ली, 20 अप्रैल, 1972

**सां० आ० 2143.**—भारतीय डाकघर अधिनियम, 1898 (1898 का 6) की धारा 10 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय डाकघर नियम, 1933 में और आगे संशोधन करने के लिए एतद्द्वारा निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियम का नाम भारतीय डाकघर (आठवां संशोधन) नियम, 1972 होगा ।

(2) ये राजपत्र में प्रकाशित होने की तारीख से प्रवृत्त होंगे ।

2. भारतीय डाकघर नियम, 1933 के नियम 152-ए में "13 पैसे" शब्द और अंकों के स्थान पर "20 पैसे" शब्द और अंक प्रतिस्थापित किये जाएंगे ।

[सं० 42/15/68–सी० एफ०]

के० आर० मूर्ति, निदेशक (डाक) ।

## MINISTRY OF HOME AFFAIRS

*New Delhi the 10th April, 1972*

**S.O. 2144.**—Whereas the Central Government is satisfied that it is necessary so to do in the public interest;

Now, therefore, in exercise of the powers conferred by sub-section (5) of section 8 of the Central Sales Tax Act, 1956 (74 of 1956), the Central Government hereby directs that no tax under the said Act shall, with effect from the date of publication of this Notification in the Official Gazette, be payable by any dealer having his place of business in the Union territory of Delhi, in respect of any sale made by him from such place of business of any goods to the United Nations Children's Fund (UNICEF), in the course of inter-State trade or commerce, subject to the condition that the United Nations Children's Fun (UNICEF) furnishes a certificate in the Form appended hereto that the said goods have been purchased b it.

*Form of Certificate*

Certified that the goods specified in the Voucher(s Bill(s) No./Cash Memo(s) mentioned below wer purchased by the United Nations Children's Fun (UNICEF).

| Sl. No. | Registration No. of the dealer, | Voucher/ Bill No./ Cash Memo. | Date | Amoun |
|---|---|---|---|---|

[No. F. 13/6/71-Delhi.

R. C. JAIN, Dy. Sec;

## गृह मंत्रालय

नई दिल्ली 10 अप्रैल, 1972

**का० आ० 2144.**—यतः केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा करना आवश्यक है ;

अतः, अब, केन्द्रीय विक्रय कर अधिनियम, 1956 (1956 का 74) की धारा 8 की उपधारा (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा निदेश देती है कि उक्त अधिनियम के अधीन कोई भी कर, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से, किसी व्यापारी द्वारा, जिसके कारबार का स्थल दिल्ली संघ राज्यक्षेत्र में है, उसके द्वारा ऐसे कारबार के स्थल में यूनाइटेड नेशन्स चिल्ड्रन फंड (यूनिसेफ) को अंतर्राज्यिक-व्यापार या वाणिज्य के अनुक्रम में, किसी माल के किए गए किसी विक्रय के बारे में इस शर्त के अधीन रहते हुए संदेय नहीं होगा कि यूनाइटेड नेशन्स चिल्ड्रन फंड (यूनिसेफ) इससे उपाबद्ध प्ररूप में यह प्रमाणपत्र देता हो कि उक्त माल उसके द्वारा खरीद लिया गया है ।

**प्रमाणपत्र का प्रारूप**

यह प्रमाणित किया जाता है कि वाउचर (वाउचरों)/बिल (बिलों) की संख्या/कैश मेमों में विनिर्दिष्ट निम्नलिखित वर्णित माल यूनाइटेड नेशन्स चिल्ड्रन फंड (यूनिसेफ) द्वारा खरीदा गया था ।

| क्रम सं० | व्यापारी की रजिस्ट्रीकरण सं० | वाउचर बिल सं०/तारीख /कैश मेमो | रकम |
|---|---|---|---|

[सं० फा० 13/6/72–दिल्ली

आर० सी० जैन, उप सचिव ।

*New Delhi, the 17th May 1972*

**S.O. 2145.**—Whereas information as respects a Unit of the Indian Space Research Organisation, more fully described in the Schedule hereto annexed, (hereafter referred to as the said place) would be useful to an enemy;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (8) of section 2 of the Official Secrets Act, 1923 (19 of 1923), the Central Government hereby declares the said place as a prohibited place for the purposes of the said Act.

| Sl. No. | Name of installation | Name of place | Locality/ Village | Police Station | Taluka | District | Boundary or other description of the area |
|---|---|---|---|---|---|---|---|
| 1 | Rocket Fabrication Facility, a unit of the Indian Space Research Organisation. | Thumba | Attipra village | Kazhakut-uttom | Trivan-drum. | Trivan-drum | 9 Hectares, 97 Acres and 42 Sq. mtr= ·20 Acres within Survey No. 2783.<br>Boundary: The area is bounded by Trivandrum Kadinam-kulam Road on the nor-thern side, Channankara thodu on the eastern side. S.No. 2783/10AI on the southern side and S. No. 2783/10AI etc. and Tri-vandrum Kadinamukulam on the western side. |

[No. 16/6/71-Poll.II.]

B. K. GOSWAMI, Deputy Secy.

नई दिल्ली, 17 मई, 1972

**का० आ० 2145.**—अतः संलग्न अनुसूची में पूर्णतः वर्णित भारतीय अन्तरिक्ष अनुसंधान संगठन के एकक (जिसे इसके पश्चात् उक्त स्थान कहा गया है ) के बारे में सूचना शत्रु के लिए उपयोगी होगी ;

अतः, अब शासकीय गुप्त बात अधिनियम, 1923 (1923 का 19) की धारा 2 की उपधारा (8) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा उक्त स्थान को उक्त अधिनियम के प्रयोजनों के लिए निषिद्ध घोषित करती है ।

अनुसूची

| क्र० सं० | प्रतिष्ठापन का नाम | स्थान का नाम | परिक्षेत्र/ ग्राम | पुलिस थाना | तालुक | जिला | क्षेत्र की सीमा या अन्य विवरण |
|---|---|---|---|---|---|---|---|
| 1 | राकेट निर्माण सुविधा, भारतीय अंतरिक्ष अनुसंधान संगठन का एकक | थुम्बा | अन्तिपरा ग्राम | कजाकोट्टम | त्रिवेंद्रम | त्रिवेंद्रम | 9 हैक्टर, 97 एकड़ और 42 वर्ग मीटर=25.20 एकड़ सर्वेक्षण नं० 2783 के अन्दर । सीमा : यह क्षेत्र उत्तर की ओर से त्रिवेंद्रम कादिनामकुलम रोड, पूर्व की ओर से चानन-काड़ा थोदु दक्षिण की ओर से सर्वेक्षण नं० 2783/10/ए1 और पश्चिम की ओर से त्रिवेंद्रम कादिनाम-कुलम से घिरा हुआ है । |

[सं० 16/6/71-पोल-II]

बी० के० गोस्वामी, उप सचिव ।

*New Delhi, the 23rd May 1972*

**S.O. 2146.**—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrator of the Union territory of Andaman and Nicobar Islands shall, subject to the approval of the President, and until further orders, also exercise the powers and discharge the functions of the appropriate Government under section 401 of the Code of Criminal Procedure, 1898 (5 of 1898) to suspend the execution of the sentence of imprisonment of any person under-going imprisonment in a jail in the said Union territory:

Provided that in any case where the sentence of imprisonment has been passed for an offence against, or where the order referred to in sub-section (4A) of section 401 of the said Code has been passed under, any law relating to any of the matter enumerated in List I in the Seventh Schedule to the Constitution, the Administrator shall release any such person on parole for such period not exceeding fifteen days, as may be necessary, for obtaining the orders of the Central Government on the petition made for the purpose of such release on parole, if the Administrator is satisfied that the immediate release of any such person on parole is necessary by reasons of any illness constituting a grave threat to the life of such person or of a parent, wife, husband or child of such person, subject to the following conditions, namely:—

(a) the Administrator shall forthwith report all the facts and the circumstances of the case to the Central Government while forwarding the petition to the Central Government, and that Government may, on the consideration of the report and the petition, make such order as it may deem fit;

(b) the Administrator shall, before releasing any such person on parole ask him to execute a bond undertaking to reside within the period of his parole at a place specified therein and not depart therefrom without the previous permission of the Administrator and return to the jail in which he is confined and on the expiry of the period of his parole or, when the Central Government rejects the petition, on being informed of such rejection, whichever is earlier, and to conform with such other conditions as the Administrator may consider necessary.

[No. F.2/4/72-UTL.]

K. R. PRABHU, Jt. Secy.

नई दिल्ली, 23 मई, 1972

**का० आ० 2146.**—राष्ट्रपति, संविधान के अनुच्छेद 239 के खण्ड (1) के अनुसरण में एतद्द्वारा निदेश देते हैं कि अंडमान और निकोबार दीप समूह संघ राज्य क्षेत्र का प्रशासक, राष्ट्रपति के अनुमोदनाधीन रहते हुए और आगे आदेशों तक, दण्ड प्रकिया संहिता 1898 (1898 का 5) की धारा 401 के अधीन उक्त संघ राज्य क्षेत्र में किसी जेल में कारावास भोगने वाले किसी व्यक्ति के कारावास के दण्डादेश के निष्पादन को निलम्बित करने के लिए समुचित सरकार की शक्तियों और कृत्यों का प्रयोग भी करेगा और निर्वहन भी करेगा :

परन्तु किसी मामलें में, जहां कारावास का दण्डादेश किसी अपराध के प्रति दिया गया है या जहां उक्त संहिता की धारा 401 की उपधारा (4-क) में निर्दिष्ट आदेश संविधान की सप्तम अनुसूची में, सूची I में प्रगणित किसी मामले से संबंधित किसी विधि के अधीन दिया गया है, वहां प्रशासक किसी ऐसे व्यक्ति को किसी अवधि के लिए, जो पन्द्रह दिन से अधिक नहीं होगी, जैसा आवश्यक हो, पैरोल पर ऐसी निर्मुक्ति के प्रयोजनहेतु की गई अर्जी पर केन्द्रीय सरकार के आदेशो को अभिप्राप्त करने के लिए यदि प्रशासक का समाधान हो जाए कि ऐसे किसी व्यक्ति की पैरोल पर तुरन्त नियुक्ति ऐसे व्यक्ति या उसकी माता या पिता, पत्नी, पति या ऐसे व्यक्ति की सन्तान के जीवन को गम्भीर आशंका गठित करने वाली किसी बीमारी के कारण आवश्यक है, निम्नलिखित शर्तों के अधीन रहते हुए पैरोल पर निमुक्त कर सकेगा, अर्थात् :—

(क) प्रशासक केन्द्रीय सरकार को अर्जी भेजते समय केन्द्रीय सरकार को मामले के सभी तथ्यों और परिस्थितियों की तुरन्त रिपोर्ट करेगा, और, वह सरकार, उस रिपोर्ट और अर्जी पर विचार करने पर ऐसा आदेश दे सकेगी, जो वह उचित समझे :

(ख) प्रशासक, ऐसे किसी व्यक्ति को पैरोल पर निमुक्त करने के पूर्व उसे अपने पैरोल की अवधि के भीतर, उसमें विनिर्दिष्ट स्थान पर निवास करने और प्रशासक की पूर्व मंजरी के बिना वहां से कहीं न जाने और उसमें उसे रखा गया है और उसकी पैरोल की अवधि की समाप्ति पर या जब केन्द्रीय सरकार अर्जी को नामंजूर करती है ऐसी नामंजूरी की सूचना देने पर, जो भी पहले हो, जेल में वापस आने, और जो प्रशासक आवश्यक समझे, ऐसी अन्य शर्तों का अनुपालन करने के बचनबंध निष्पादन करने की मांग करेगा ।

[सं० फा० 2/4/72-यू० टी० एल०]

के० आर० प्रभु, संयुक्त सचिव ।

*New Delhi, the 30th May 1972*

**S.O. 2147.**—In exercise of the powers conferred by the proviso to article 309 of the Constituton, the President hereby makes the following rules regulating the recruitment to class IV posts in the Pay and Accounts Division, Directorate General, Border Security Force, New Delhi, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Border Security Force Accounts Cadre (Class IV posts) Recruitment Rules, 1972.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Classification of the posts, scales of pay, method of recruitment, age limit etc.**—The classification of the posts, the scales of pay attached thereto, the method of recruitment, age limit and other matters connected therewith shall be as specified in columns 4 to 14 of the Schedule hereto annexed:

Provided that the upper age limit specified in column 7 of the said schedule for direct recruitment may be relaxed in the case of candidates belonging to Scheduled Castes or Scheduled Tribes and other special categories of persons in accordance with the orders issued from time to time, by the Central Government.

3. **Disqualifications.**—No person,—

(a) who has entered into, or contracted, a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into, or contracted, a marriage with any person,

shall be eligible for appointment to the said posts:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are grounds for so doing, exempt any person from the operation of this rule.

4. **Power to relax.**—Where the Central Government is of opinion that it is necessary or expedient to do so, it may, by order, for reasons to the recorded in writing, relax any of the provisions of these rules with respect of any class or category of persons.

5. **Savings.**—Nothing in these rules shall affect reservations and other concessions required to be provided for the members of Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

*Recruitment Rules for the Directorate General, Border Security Force, Pay and Accounts Division, New Delhi [Border Security Force Accounts Cadre (Class IV) Recruitment Rules]*

| Sl. No. | Name of the post | No. of posts | Classification | Scale of Pay | Whether selection post or non-selection post | Age for direct recruits | Educational and other qualifications required for direct recruits |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | Peons | 8 | General Central Service Class-IV (Non-gazetted). | Rs. 70—1—80—EB—1—85 | Not applicable. | Minimum 18 years Maximum 25 years. | Middle standard pass. |
| 2 | Daftry | 2 | Do. | Rs. 75—1—85—EB—1—95 | Non-Selection | Not applicable.* | Not applicable. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees | Period of probation, if any | Method of recruitment, whether by direct recruitment or by promotion of any deputation/transfer, and percentage of vacancies to be filled by various methods | In the case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made | If a DPC exists, what is its composition | Circumstances in which U.P.S.C. is to be consulted in making the recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| Not applicable | Two years | By direct recruitment or transfer of Constables (Orderlies). | Not applicable. | Not applicable. | Not applicable. |
| Not applicable. | Two years | 100% by promotion. | By promotion of peons working in the Border Security Force Accounts Division with three years' service in the grade. | Class IV DPC | Not applicable. |

[No. F. 9/49/70-Int. Audit/BSF]

G. S. GREWAL, Dy. Secy.

नई दिल्ली, 30 मई, 1972

**सा० का० नि० 2147.**—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, महानिदेशालय सीमा सुरक्षा बल, नई दिल्ली के वेतन और लेखा प्रभाग में वर्ग IV पदों पर भर्ती को विनियमित करने वाले निम्नलिखित नियम एतद्द्वारा बनाते हैं, अर्थात् :—

1. **संक्षिप्त नाम और प्रारम्भ.**—(1) इन नियमों का नाम सीमा सुरक्षा बल लेखा काडर (वर्ग IV पद) भर्ती नियम, 1972 होगा ।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत होंगे ।

2. **पदों का वर्गीकरण, वेतनमान, भर्ती की पद्धति, आयु-सीमा आदि** :—पदों का वर्गीकरण, उनसे संलग्न वेतनमान, भर्ती की पद्धति, आयु-सीमा और उससे संबंधित अन्य बातें वे होंगी जो इससे उपाबद्ध अनुसूची के स्तम्भ 4 से 14 तक में विनिर्दिष्ट है :

परन्तु सीधे भर्ती के लिए उक्त अनुसूची के स्तम्भ 7 में विनिर्दिष्ट अधिकतम आयु-सीमा, केन्द्रीय सरकार द्वारा समय-समय पर जारी किए गए आदेशों के अनुसार अनुसूचित जातियों या अनुसूचित जनजातियों और व्यक्तियों के अन्य विशेष प्रवर्गों के अभ्यर्थियों के मामले में शिथिल की जा सकेगी ।

3. **निरर्हताएं** :—वह व्यक्ति :—

(क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है, या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित होते हुए किसी व्यक्ति से विवाह किया है,

उक्त पदों पर नियुक्ति का पात्र नहीं होगा :

परन्तु यदि केन्द्रीय सरकार का समाधान हो जाए कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुज्ञेय है और ऐसा करने के लिए अन्य आधार मौजूद हैं तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी ।

4. **शिथिल करने की शक्ति** :—जहां केन्द्रीय सरकार की राय हो कि ऐसा करना आवश्यक या समीचीन है वहां वह, उसके लिये जो कारण है उन्हें लेखबद्ध करके इन नियमों के किसी उपबन्ध को व्यक्तियों के किसी वर्ग या प्रवर्ग की बाबत, आदेश द्वारा शिथिल कर सकेगी ।

5. **व्यावृत्ति** :—इन नियमों में की कोई भी बात इस संबंध में केन्द्रीय सरकार द्वारा समय-समय पर जारी किए गए आदेशों अनुसार अनुसूचित जातियों और अनुसूचित जनजातियों और व्यक्तियों के अन्य विशेष प्रवर्गों के सदस्यों के लिए उपबन्ध करने के लिए अपेक्षित आरक्षणों और अन्य रियायतों को प्रभावी नहीं करेगी ।

**अनुसूची**

महानिदेशालय सीमा सुरक्षा बल, नई दिल्ली के वेतन और लेखा प्रभाग के लिए भर्ती नियम 1 सीमा सुरक्षा बल लेखा काडर (वर्ग 4) भर्ती नियम

| पद का नाम | पदों की संख्या | वर्गीकरण | वेतनमान | चयन पद अथवा अचयन पद | सीधे भर्ती किए जाने वाले व्यक्तियों के लिए आयु-सीमा |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. चपरासी | 8 | साधारण केन्द्रीय सेवा वर्ग 4 (अराजपत्रित, | 70–1–80–द०रो० 1–85 रु० | लागू नहीं होता | निम्नतम 18 वर्ष अधिकतम 25 व |
| 2. दफ्तरी | 2 | यथोक्त | 75–1–85–द०रो० 1–95 रु० | अचयन | लागू नहीं होता |

| भर्ती किए जाने वाले व्यक्तियों के लिए शैक्षिक और अन्य अर्हताएं | सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं प्रोन्नतों की दशा में लागू होंगी या नहीं | परिवीक्षा की अवधि, यदि कोई हो |
|---|---|---|
| 7 | 8 | 9 |
| मिडिल स्तर तक उत्तीर्ण | लागू नहीं होता | दो वर्ष |
| लागू नहीं होता | लागू नहीं होगा | दो वर्ष |

| भर्ती की पद्धति/भर्ती प्रोन्नति द्वारा या प्रतिनियुक्ति/स्थानान्तरण द्वारा तथा विभिन्न पद्धतियां द्वारा भरी जाने वाली रिक्तियों की प्रतिशतता | प्रोन्नति/प्रतिनियुक्ति/स्थानान्तरण द्वारा भर्ती की दशा में वे श्रेणियां जिससे प्रोन्नति/प्रतिनियुक्ति/स्थानान्तरण किया जाएगा | यदि विभागीय प्रोन्नति समिति हो तो उस की संरचना | भर्ती करने में किन परिस्थितियों में संघ लोक सेवा आयोग से परामर्श किया जाएगा |
|---|---|---|---|
| 10 | 11 | 12 | 13 |
| सीधी भर्ती या सिपाहियों (अर्दलियों) के स्थानान्तरण द्वारा | लागू नही होता | लागू नहीं होता | लागू नहीं होता |
| शतप्रतिशत प्रोन्नति द्वारा | सीमा सुरक्षा बल लेखा प्रभाग में कार्य करने वाले चपरासियों की प्रोन्नति द्वारा, जिनकी उस श्रेणी में तीन वर्ष की सेवा हो। | वर्ग 4 विभागीय प्रोन्नति समिति | लागू नहीं होता |

[सं० 9/49/70-आई० एन० टी० संपरीक्षा/सी०सु०ब० (कार्मिक-I) (II)]

जी० एस० ग्रेवाल, उप सचिव।

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**CABINET SECRETARIAT**

**(Department of Statistics)**

*New Delhi, the 28th February,* 1972

**S.O. 2148.**—In exercise of the powers conferred by clause (1) of Article 258 of the Constitution, the President, with the consent of the Government of the State of Uttar Pradesh, entrusts to that Government the functions of the Central Government under Sections 3, 4 and 11 of the Collection of Statistics Act, 1953 (32 of 1953), in respect of matters relating to sugar industry, sugar industrial concerns and sugar factories in the State of Uttar Pradesh, subject to the following conditions, namely:—

(i) that in the exercise of such functions the Government of the State of Uttar Pradesh shall not, except with the previous approval of the Central Government, issue any direction for the collection of statistics in respect of the said matters and shall comply with such general or special directions as the Central Government may, from time to time, issue; and

(ii) that notwithstanding this entrustment:—

(a) the Central Government may itself exercise the said functions in respect of the said matters; and

(b) the Statistics authority appointed by the Central Government under section 4 of the said Act, shall exercise or continue to exercise its function in respect of the said matters in the State of Uttar Pradesh.

[No. M-15012/8/71-NSSI.]

V. L. GIDWANI, Secy.

**मंत्रीमंडल सचिवालय**

**सांख्यिकी विभाग**

नई दिल्ली, 28 फरवरी, 1972

**एस० ओ० 2148.**—संविधान के अनुच्छेद 258 के खंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति उत्तर प्रदेश राज्य सरकार की सहमिति से सांख्यिकी संग्रहण अधिनियम, 1953 (1953 के 32) की धारा 3, 4 तथा 11 के अन्तर्गत निम्नलिखित प्रतिबन्धों (शर्तों) को ध्यान में रखते हुए उत्तर प्रदेश राज्य में चीनी उद्योग, चीनी उद्योग सम्बन्धी प्रतिष्ठानों तथा चीनी कारखाना विषयक मामलों में केन्द्रीय सरकार के कृत्य उक्त सरकार को सौंपते हैं अर्थात् :—

(i) इन कृत्यों के पालन में उत्तर प्रदेश को राज्य सरकार केन्द्रीय सरकार के पूर्व अनुमोदन के बिना उक्त मामलों के सबंध में सांख्यिकी संग्रहण के लिए कोई निदेश नहीं जारी करेगी और केन्द्रीय सरकार द्वारा समय-समय पर जारी किये गये निदेशों का पालन करेगी; और

(ii) इस न्यस्तीकरण (सौंपने की क्रिया) के होते हुए भी :—

(क) केन्द्रीय सरकार उक्त मामलों के सम्बन्ध में उक्त कृत्यों को स्वयं कर सकेगी; और

(ख) उक्त अधिनियम की धारा 4 के अन्तर्गत केन्द्रीय सरकार द्वारा नियुक्त सांख्यिकीय प्राधिकारी उत्तर प्रदेश राज्य में उक्त मामलों के सम्बन्ध में इसके कृत्यों का पालन करेंगे अथवा इन्हें पूर्ववत् करते रहेंगे।

[संख्या-एम० 15012/8/71-एन०एस०एस० I]

वि० एल० गिदवाणी, सचिव.

**(Department of Personnel)**

*New Delhi, the 31st May, 1972.*

**S.O. 2149.**—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure 1898 (5 of 1898), the Central Government hereby appoints Shri C. K. Chatterjee, Advocate, as Public Prosecutor for conducting the prosecution in case RC No. 5/EOW/69-Calcutta against M/S Eastern Silk Manufacturing Co. (P) Ltd. Calcutta and others in the court of the Fifth Presidency Magistrate, Calcutta.

[No. 225/22/72-AVD-II]

**(कार्मिक विभाग)**

नई दिल्ली, 31 मई, 1972

**का० आ० 2149.**—दण्ड प्रक्रिया संहिता 1898 (1898 का 5) की धारा 492 की उपधारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री सी० के० चैटर्जी, एडवोकेट को पांचवे प्रेसीडेन्सी मजिस्ट्रेट, कलकत्ता के न्यायलय में, मैसर्स ईस्टर्न सिल्क मैनुफेक्चरिंग कम्पनी (प्रा०) लिमिटेड, कलकत्ता, तथा अन्य के विरुद्ध मामला आर०सी० संख्या 5/ई०ओ० डब्लयू० /69 कलकत्ता - की पेरवी करने के लिए एतद्द्वारा लोक अभियोजक नियुक्त करती है ।

[संख्या 225/22/72-ए० वी० डी०-2]

*New Delhi, the 3rd June 1972*

**S.O. 2150.**—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri B. B. Rath, Advocate, as Public Prosecutor for conducting the prosecution in case R.C.9/E.O.W/65-Calcutta, in the Court of Special Magistrate, Bhubaneshwar, Orissa.

[No. 225/22/72-AVD-II]

नई दिल्ली, 3 जून, 1972

**का० आ० 2150.**—दण्ड प्रक्रिया संहिता, 1898 (1898 का 5) की धारा 492 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा श्री बी० बी० रथ एडवोकेट को विशेष मजिस्ट्रेट, भुवनेश्वर उड़ीसा के न्यायालय में मामला आर० सी० 9/इ० ओ० डब्ल्यू०/65-कलकत्ता के अभियोजन का संचालन करने के लोक अभियोजक नियुक्त करती

[संख्या 225/32/72-ए०वी०डी०-II)

*New Delhi, the 6th June 1972*

**S.O. 2151.**—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri B. B. Rath, Advocate, as Public Prosecutor for conducting the prosecution, in case R.C.31/E.O.W./65-Calcutta, in the Court of Special Magistrate, Bhaubaneshwar, Orissa.

[No. 225/33/72-AVD-II]

नई दिल्ली 6 जून, 1972

**का० आ० 2151.**—दण्ड प्रक्रिया संहिता, 1898 (1898 का 5) की धारा 492 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा श्री बी० बी० रथ, अधिवक्ता को विशेष मजिस्ट्रेट, भुवनेश्वर, उड़ीसा के न्यायालय में मामला आर० सी० 31/ई० ओ० डब्लू/95 कलकत्ता की कार्रवाई का संचालन करने के लिये लोक-अभियोजक नियुक्त करती है ।

[संख्या 225/33/72–ए० आई० एस०–II]

**S.O. 2152.**—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri Avtar Singh, Advocate, as Public Prosecutor for conducting the prosecution in case RC No. 62/64 of Special Police Establishment Calcutta State *Versus* Lt. Col. N. K. Ghosh and others in the Court of Third Additional Special Judge, Calcutta.

[No. 225/45/72-AVD-II]

**एस० ओ० 2152.**—दण्ड प्रक्रिया संहिता, 1898 (1898 का 5) की धारा 492 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा श्री अवतार सिंह, एडवोकेट, को तृतीय अतिरिक्त विशेष जज, कलकत्ता के न्यायालय में वाद आर० सी० संख्या 62/64–एस० पी० ई० कलकत्ता स्टेट बनाम लेफ्टिनेंट कर्नल ए० के० घोष तथा अन्य–के अभियोजन की पेरवी करने के लिए लोक-अभियोजक नियुक्त करती है ।

[संख्या 225/45/72–ए० वी० डी० 2]

*New Delhi, the 7th June 1972*

**S.O. 2153.**—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the following offences which are to be investigated by the Delhi Special Police Establishment, namely:—

(a) Offences under sections 85, 86, 87, 88, 89, 90, 91 and 96 of the Gold (Control) Act, 1968 (45 of 1968).

(b) attempts, abetments and conspiracies in relation to, or in connection with, one or more offences mentioned in clause (a) and any other offence committed in the course of the same transaction arising out of the same facts.

[No. 228/1/69-AVD-II]

नई दिल्ली, 7 जून, 1972

**का० आ० 2153.**—दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा निम्नलिखित अपराधों को उन अपराधों के रूप में विनिर्दिष्ट करती है जिनका अन्वेषण दिल्ली विशेष पुलिस स्थापन द्वारा होना है, अर्थात्:—

(क) स्वर्ण (नियंत्रण) अधिनियम, 1968 (1968 का 45) की धाराएं 85, 86, 87, 88, 89 90, 91 तथा 96 के अधीन अपराध ।

(ख) खंड (क) में उल्लिखित एक अथवा एक से अधिक अपराधों तथा उन्हीं तथ्यों से उद्भूत एक ही संव्यवहार के दौरान किए गए किसी अन्य अपराध

के बारे में या उसके सम्बन्ध में प्रयत्न, दुष्प्रेरण और षड़यंत्र ।

[सं० 228/1/69-ए० वी० डी० II]

ORDER

*New Delhi, the 18th May 1972*

**S.O. 2154.**—In exercise of the powers conferred by sub-section (1) of section 5, read with section 6, of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of the Government of the State of Tripura, hereby extends to the State of Tripura the powers and jurisdiction of the members of the Delhi Special Police Establishment for the investigation of certain offences specified in the notifications of the Government of India in the Ministry of Home Affairs/Department of Personnel (i) No. 25/12/62-AVD-I, dated the 18th February, 1963 (ii) No. 25/3/60-AVD-II, dated 1st April, 1964 (iii) No. 25/9/64-AVD, dated 1st September, 1964, (iv) No. 228/1/65(I) AVD-II, dated the 8th February, 1965, (v) No. 228/4/66-AVD-II(I), dated the 23rd December, 1966, (vi) No. 25/4/64-AVD-II, dated 21st November, 1967, (vii) No. 228/3/66-AVD(II), dated the 10th July, 1970, (viii) No. 228/7/65-AVD(II), dated the 13th July, 1970, (ix) No. 228/6/67-AVD-II, dated the 15th July, 1970 and (x) No. 228/11/67-AVD-II, dated the 3rd September, 1970, issued under section 3 of the said Act and mentioned in the Schedule hereto annexed:—

THE SCHEDULE

(a) (1) Offences punishable under sections 124-A, 161, 162, 163, 164, 165, 165-A, 166, 167, 168; 169; 171E, 171F, 182, 193, 196, 197, 198, 199, 200; 201; 204; 211, 218, 231, 232, 233, 234, 235, 236, 237; 238; 239; 240, 241, 242, 243, 244, 245, 246, 247, 248; 249; 250; 251, 252, 253, 254, 255, 256, 257, 258, 259; 260; 261; 262, 263, 263A, 379, 380, 381, 382, 384, 385; 386; 387; 388; 389; 403; 406, 407, 408, 409, 411, 412, 413, 414, 417; 418; 419, 420, 465, 466, 467, 468, 471, 472, 473; 474; 475; 476; 477A; 489A, 489B, 489C, 489D, 489E, 500, 501, 502 and 505 of the Indian Penal Code, 1860 (45 of 1860);

(2) Offences punishable under the Prevention of Corruption Act, 1947 (2 of 1947);

(3) Offences punishable under the Defence of India Act, 1962 and the Defence of India Rules framed thereunder;

(4) Offences punishable under the Imports and Exports (Control) Act, 1947 (18 of 1947);

(5) Offences punishable under the Foreign Exchange Regulation Act, 1947 (7 of 1947);

(6) Offences punishable under sections 51, 52, 55 and 56 of the Indian Post Office Act, 1898 (6 of 1898);

(7) Offences punishable under sections 63, 68, 116, 538, 539, 540, 541, 542, 628, 629, and 630 of the Companies Act, 1956 (1 of 1956);

(8) Offences punishable under sections 104 and 105 of the Insurance Act, 1938 (4 of 1938);

(9) Offences punishable under the Indian Official Secrets Act, 1923 (19 of 1923);

(10) Offences punishable under sections 7 and 8 of the Essential Commodities Act, 1955 (10 of 1955) and conspiracies in relation thereto or in connection therewith;

(11) Offences punishable under clause (iii) of sub-section (1) of section 24 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) and conspiracies in relation thereto or in connection therewith;

(12) Offences punishable under the Indian Wireless Telegraphy Act, 1933 (17 of 1933);

(13) Offences punishable under the Telegraph Wires (Unlawful Possession) Act, 1950 (74 of 1950);

(14) Offences punishable under the Railway Stores (Unlawful Possession) Act, 1955 (51 of 1955);

(15) Offences punishable under section 27 of the Indian Telegraph Act, 1885 (13 of 1885);

(16) Offences punishable under sections 132, 133, 134, 135 and 136 of the Customs Act, 1962 (52 of 1962);

(17) Offences punishable under rule 6 of the Indian Passport Rules, 1950 read with sub-section (3) of section 3 of the Passport (Entry into India) Act, 1920 (34 of 1920);

(18) Offences punishable under section 5 of the Registration of Foreigners Act, 1939 (16 of 1939);

(19) Offences punishable under sections 6, 10, 11 and 12 of the Aircraft Act, 1934 (22 of 1934) and under any rule made under sections 5, 7, 8, 8A or 8B of the said Act;

(20) Offences punishable under section 14 of the Foreigners Act, 1946 (31 of 1946);

(21) Offences punishable under section 9 of the Opium Act, 1878 (1 of 1878);

(22) Offences punishable under sections 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 of the Dangerous Drugs Act, 1930 (2 of 1930);

(23) Offences punishable under sections 277 and 278 of the Income Tax Act, 1961 (43 of 1961);

(24) Offences punishable under sections 9 and 17 of the Central Excises and Salt Act, 1944 (1 of 1944);

(25) Offences punishable under sections 31 and 32 of the Representation of the People Act, 1950 (43 of 1950);

(26) Offences punishable under sections 128, 129, 134 and 136 of the Representation of the People Act, 1951 (43 of 1951);

(27) Offences punishable under section 12 of the Passport Act, 1967 (15 of 1967); and

(b) attempts, abetments and conspiracies in relation to, or in connection with, any of the offences mentioned in sub-paragraph (a) and any other offence committed in the course of the same transaction arising out of the same facts.

[No. 228/4/72-AVD.II]

B. C. VANJANI, Under Secy.

आदेश

नई दिल्ली 18 मई, 1972

**का० आ० 2154.**—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, त्रिपुरा राज्य की सरकार की सहमति से, एतद्द्वारा, उक्त अधिनियम की धारा 3 के अन्तर्गत जारी की गई और इसके साथ लगी अनुसूची में उल्लिखित भारत सरकार के गृह मंत्रालय/कार्मिक विभाग की अधिसूचनाएं (i) सं० 25/12/62-एवीडी (I), दिनांक 18 फरवरी, 1963 (ii) सं० 25/3/60-एवीडी (II), दिनांक 1 अप्रैल, 1964 (iii) सं० 25/9/64-ए वी डी दिनांक 1 सितम्बर 1964 (iv) सं० 228/1/65 (I) एवीडी-(II), दिनांक 8 फरवरी, 1965 (v) सं० 228/4/66-एवीडी (II) (I), दिनांक 23 दिसम्बर, 1966 (vi) सं० 25/4/64-ए वी डी-(II), दिनांक 21 नवम्बर, 1967 (vii) सं० 228/3/66-ए वी डी (II), दिनांक 10 जुलाई, 1970 (viii) सं० 228/7/65-ए वी डी (II) दिनांक 13 जुलाई, 1970 (ix) सं० 228/6/67-ए वी डी (II), दिनांक 15 जुलाई, 1970 और (x) सं० 228/11/67-ए वी डी (II), दिनांक 3 सितम्बर,

1970 में बताए गये कुछ अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का त्रिपुरा राज्य में विस्तार करती है :—

अनुसूची

(1) भारतीय दण्ड संहिता, 1860 (1860 का 45) की धाराएं 124-ए, 161, 162, 163, 164, 165, 165-ए, 166, 167, 168, 169, 171-ई, 171-एफ, 182, 193, 196, 197, 198, 199, 200, 201, 204, 211, 218, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263-ए, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 465, 466, 467, 468, 471, 472, 473, 474, 475, 476, 477, 489-ए, 489-बी, 489-सी, 489-डी, 489-ई, 500, 501, 502 और 505 के अधीन दण्डनीय अपराध,

(2) भ्रष्टाचार निवारण अधिनियम, 1947 (1947 का 2) के अधीन दण्डनीय अपराध ;

(3) भारत रक्षा अधिनियम, 1962 तथा उसके अन्तर्गत बनाए गए भारत रक्षा नियमों के अधीन दण्डनीय अपराध ;

(4) आयात एवं निर्यात (नियंत्रन) अधिनियम, 1947 (1947 का 18) के अधीन दण्डनीय अपराध ;

(5) विदेशी मुद्रा विनियम अधिनियम, 1947 (1947 का 7) के अधीन दण्डनीय अपराध ;

(6) भारतीय डाक-घर अधिनियम, 1898 (1898 का 6) की धाराएं 51, 52, 55 और 56 के अधीन दण्डनीय उपराध ;

(7) कम्पनी अधिनियम, 1956 (1956 का 1) की धाराएं 63, 68, 116, 538, 539, 540, 541, 542, 628, 629, और 630 के अधीन दण्डनीय अपराध ;

(8) बीमा अधिनियम, 1938 (1938 का 4) की धाराएं 104 और 105 के अधीन दण्डनीय अपराध ;

(9) भारतीय शासकीय गोपनीयता अधिनियम, 1923 (1923 का 19) के अधीन दण्डनीय अपराध ;

(10) आवश्यक सामग्री अधिनियम, 1955 (1955 का 10) की धाराएं 7 और 8 के अधीन दण्डनीय अपराध और उससे सम्बन्धित अथवा उसके सम्बन्ध में षड्यन्त्र ;

(11) उद्योग (विकास एवं विनियम) अधिनियम, 1951 (1951 का 65) की धारा 24 की उपधारा (1) के खण्ड (iii) के अधीन दण्डनीय अपराध और उससे सम्बन्धित अथवा उसके सम्बन्ध में षड्यन्त्र ;

(12) भारतीय बेतार टेलीग्राफ अधिनयम, 1933 (1933 का 17) के अधीन दण्डनीय अपराध ;

(13) टेलीग्राफ तार (अवैध कब्जा) अधिनियम, 1950 (1950 का 74) के अधीन दण्डनीय अपराध ;

(14) रेलवे भण्डार (अवैध कब्जा) अधिनियम, 1955 (1955 का 51) के अधीन दण्डनीय अपराध ;

(15) भारतीय टेलीग्राफ अधिनियम, 1885 (1885 का 13) की धारा 27 के अधीन दण्डनीय अपराध ;

(16) सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धाराएं 132 ; 133 ; 134 ; 135 और 136 के अधीन दण्डनीय अपराध ;

(17) पारपत्र (भारत में प्रवेश) अधिनियम, 1920 (1920 का 34) की धारा 3 की उप-धारा (3) के साथ पठित भारतीय पारपत्र नियमावलि, 1950 के नियम 6 के अधीन दण्डनीय अपराध ;

(18) विदेशियों का पंजीकरण अधिनियम, 1939 (1939 का 16) की धारा 5 के अधीन दण्डनीय अपराध ;

(19) वायुयान अधिनियम, 1934 (1934 का 22) की धाराएं 6, 10, 11 और 12 के अधीन और उक्त अधिनियम की धाराएं, 5, 7, 8, 8-ए या 8-बी के अधीन बनाए गए किसी भी नियम के अधीन दण्डनीय अपराध ;

(20) विदेशी व्यक्ति अधिनियम, 1946 (1946 का 31) की धारा 14 के अधीन दण्डनीय अपराध ;

(21) अफीम अधिनियम, 1878 (1878 का 1) की धारा 9 के अधीन दण्डनीय अपराध ;

(22) हानिकर औषध अधिनियम, 1930 (1930 का 2) की धाराएं 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 और 21 के अधीन दण्डनीय अपराध ;

(23) आयकर अधिनियम, 1961 (1961 का 43) की धाराएं 277 और 278 के अधीन दण्डनीय अपराध ;

(24) केन्द्रीय उत्पाद शुल्क और नमक अधिनियम, 1944 (1944 का 1) की धाराएं 9 और 17 के अधीन दण्डनीय अपराध ;

(25) लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धाराएं 31 और 32 के अधीन दण्डनीय अपराध ;

(26) लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धाराएं 128, 129, 134 और 136 के अधीन दण्डनीय अपराध ;

(27) पारपत्र अधिनियम, 1967 (1967 का 15) की धारा 12 के अधीन दण्डनीय अपराध ; तथा

(ख) उप-पैरा (क) में बताए हुए अपराधों में से किसी भी अपराध के सम्बन्ध में अथवा उससे सम्बन्धित प्रयत्न, उकसाहट और षड्यन्त्र तथा एक जैसे तथ्यों से उत्पन्न हुई एक सी कार्यवाही के दौरान किया गया कोई अन्य अपराध ।

[सं० 228/4/72-ए० वी० डी०-II]

बी० सी० वंजानी, अवर सचिव ।

**(Department of Personnel)**

ORDER

*New Delhi, the 2nd May 1972*

**S.O. 2155.**—In exercise of the powers conferred by sub-section (1) of section 5, read with section 6, of the Delhi Special Police Establishment Act, 1946 (25 of 1946) and of all other powers enabling it in this behalf, the Central Government, with the consent of the Government of Rajasthan, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Rajasthan for investigation of offences punishable under sections 147, 148, 149, 323, 337, 380, 427, 436, 440 and 454 of the Indian Penal Code, 1860 (45 of 1860) and attempts, abetments and conspiracies in relation to, or in connection with one or more of the said offences and any other offence committed in the course of the same transaction arising out of the same facts in relation to riots that took place on the 11th March, 1972 in respect of which the following cases have been registered in Jodhpur District by the concerned local police:

1. Case No. 8 under sections 147, 148, 149, 454, 380, 427 and 436 of the Indian Penal Code, 1860 (45 of 1860) of Police Station, Sadar Kotwali.
2. Case No. 16 under section 171F of the Indian Penal Code, 1860 (45 of 1860) of Police Station Khandaphalsa.
3. Case No. 17 under sections 147, 148, 149, 323, 336, 337, 380, 436 and 440 of the Indian Penal Code 1860 (45 of 1860) of Police Station Khandaphalsa.
4. Case No. 18 under sections 147 and 336 of the Indian Penal Code, 1860 (45 of 1860) of Police Station Khandaphalsa.
5. Case No. 19 under sections 454 and 380 of the Indian Penal Code, 1860 45 of 1860) of Police Station Khandaphalsa.
6. Case No. 25 under sections 147, 336, 323 and 440 of the Indian Penal Code, 1860 (45 of 1860) of Police Station Sadar Bazar.
7. Case No. 26 under sections 147, 454, 380 and 149 of the Indian Penal Code, 1860 (45 of 1860) of Police Station Sadar Bazar.
8. Case No. 27 under sections 147, 149, 454 and 380 of the Indian Penal Code, 1860 (45 of Police Station Sadar Bazar.
9. Case No. 28 under sections 147, 149, 454 and 380 of the Indian Penal Code, 1860 (45 of 1860) of Police Station Sadar Bazar.
10. Case No. 29 under sections 147, 427 and 436 of the Indian Penal Code, 1860 (45 of 1860) of Police Station Sadar Bazar.

[No.228/8/72-AVD.II.]

K. L. RAMACHANDRAN, Under Secy.

**(कार्मिक विभाग)**

नई दिल्ली, 2 मई, 1972

**का०आ० 2155.**—दिल्ली विशेष पुलिस स्थापना अधिनियम 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का और इस सम्बन्ध में समर्थ बनाने वाली और सभी शक्तियों का प्रयोग करते हुए, राजस्थान सरकार की सहमति से, केन्द्रीय सरकार, एतद्द्वारा, 11 मार्च, 1972 को हुए दंगों के सम्बन्ध में भारतीय दण्ड संहिता की धाराएं 147, 148, 149, 323, 336, 337, 380, 427, 436 880 और 454 के अन्तर्गत उन अपराधों तथा एक जैसे तथ्यों से उत्पन्न हुई एक सी कार्यवाही के दौरान किए गए एक या अनेक कथित अपराधों या अन्य किसी अपराध के सम्बन्ध में या उनसे सम्बन्धित प्रयत्न, सकसाहट और षड्यन्त्र के अपराधों का, जिनके सम्बन्ध में जोधपुर जिले में सम्बन्धित स्थानीय पुलिस द्वारा निम्नलिखित मामले दर्ज किए गए हैं, अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियां एवं क्षेत्राधिकार समस्त राजस्थान राज्य में विस्तार करती है:—

1—पुलिस थाना सदर कोतवाली का भारतीय दण्ड संहिता 1860 (1860 का 45) की धारा 147, 148, 149, 454, 380, 427 और 436 के अधीन मामला संख्या 8।

2—पुलिस थाना खंडाफाल्सा का भारतीय ददण्ड संहिता 1860 (1860 का 45) की धारा 171 एफ के अधीन मामला संख्या 16।

3—पुलिस थाना खंडाफाल्सा का भारतीय दण्ड संहिता 1860 (1860 का 45) की धाराओं 147, 148, 149, 323, 336, 337, 380, 436 और 440 के अधीन मामला संख्या 17।

4—पुलिस थाना खंडाफाल्सा का भारतीय दण्ड संहिता 1860 (1860 का 45) की धारा 147 और 336 के अधीन मामला संख्या 18।

5—पुलिस थाना खंडाफाल्सा का भारतीय दण्ड संहिता 1860 (1860 का 45) की धाराओं 454 और 380 के अधीन मामला संख्या 16।

6—पुलिस थाना सदर बाजार का भारतीय दंड संहिता 1860 (1860 का 45) की धारा 147, 336, 323 और 440 के अधीन मामला संख्या 25।

7—पुलिस थाना सदर बाजार का भारतीय दण्ड संहिता 1860 (1860 का 45) की धारा 147, 454, 380 और 149 के अधीन मामला संख्या 26।

8—पुलिस थाना सदर बाजार का भारतीय दण्ड संहिता 1860 (1860 का 45) की धाराओं 147, 149, 454 और 380 के अधीन मामला संख्या 27।

9—पुलिस थाना सदर बाजार का भारतीय दंड संहिता 1860 (1860 का 45) की धाराओं 147, 149, 454 और 380 के अधीन मामला संख्या 28।

10—पुलिस थाना सदर बाजार का भारतीय दण्ड संहिता 1860 (1860 का 45) की धाराओं 147, 427 और 436 के अधीन मामला संख्या 29।

[सं० 228/8/72—ए० वी० डी. (II)]

के० एल० रामचन्द्रन्, अवर सचिव।

## MINISTRY OF INDUSTRIAL DEVELOPMENT

### (Department of Internal Trade)

*New Delhi, the 3rd June 1972*

**S.O. 2156.**—In pursuance of sub-rule (4) of rule 155 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that in exercise of the powers conferred by sub-rule (3) of the said rules, the Central Government has removed the name of Shri T. G. Ananthaswamy of Madras from the Register of Trade Marks Agents.

[No. F.29(3)-I.T./TM/72.]

D. C. VAISH, Under Secy.

## औद्योगिक विकास मंत्रालय

### (आन्तरिक व्यापार विभाग)

नई दिल्ली, 3 जून, 1972

**का० आ० 2156.**—व्यापार और वाणिज्या चिह्न नियम, 1959 के नियम 155 के उपनियम (4) के अनुसरण में एतद्द्वारा अधिसूचित किया जाता है कि उक्त नियम के उपनियम (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने व्यापार चिह्न अभिकर्ताओं के रजिस्टर में से मद्रास के श्री टी० जी अनन्तस्वामी का नाम एतद्द्वारा निकाल दिया है ।

[सं० फा० 29(3)/आई० टी०/टी० एम०/72]

डी० सी० वैश्य, अवर सचिव ।

*New Delhi, the 31st July 1972*

**S.O. 2157.**—Under clause 2(a) of the Scooters (Distribution & Sale) Control Order, 1960, the Central Govt. hereby appoint Shri S. Ganesapandian, Under Secretary, Ministry of Industrial Development, (Audyogik Vikas Mantralaya), as Controller of Scooters for the purposes of the said order *vice* Shri S. R. Kapur.

[No. 9(32)/71-AEI(III).]

S. M. GHOSH, Jt. Secy.

नई दिल्ली, 31 जुलाई, 1972

**एस० ओ० 2157.**—स्कूटर (वितरण तथा विक्रय) नियंत्रण आदेश 1960 की धारा 2(क) के अधीन केन्द्रीय सरकार एतद्द्वारा श्री एस० गणेशपाण्डियन, अवर सचिव औद्योगिक विकास मंत्रालय को श्री एम० आर० कपूर के स्थान पर उक्त आदेश के प्रयोजनार्थ स्कूटर नियंत्रक नियुक्त करती है ।

[सं० 9(32)/71-ए०ई०आई० (III)]

एस० एम० घोष, संयुक्त सचिव ।

## कृषि मंत्रालय

### (कृषि विभाग)

नई दिल्ली, 15 जून, 1972

**एस० ओ० 2158.**—भारत सरकार के कृषि मन्त्रालय (कृषि विभाग) की भारत के राजपत्र संख्या 41, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 19 अक्तूबर, 1971 में पृष्ठ 5142 से 5145 पर प्रकाशित अधिसूचना में "पिसा हुआ मसाला" शब्दों के स्थान पर जहां कहीं भी वे आए "कढ़ाई पाउडर" शब्द पढ़े जाए ।

[संख्या 13-12/70-भूमि प्रशासन]

टी० डी० माखीजानी, अवर सचिव।

## MINISTRY OF FINANCE

### (Department of Expenditure)

*New Delhi, the 23rd May 1972*

**S.O. 2159.**—In exercise of the powers conferred by the proviso to the article 309 of the Constitution, the President hereby makes the following further amendment in the rules regulating the Workmen's Contributory Provident Fund as instituted with the Government of India, late Finance Department Resolution No. F.33(3)-R.II/44 dated the 16th April, 1945, namely:—

In paragraph 1 of the said Resolution, after entry (xvii), the following entry shall be added.

"(xviii) Workcharged staff of Public Works Department, of the Union Territory of Laccadive, Minicoy and Amindivi Islands".

[No. F.6(2)-E.V.(B)/71.]

**S.O. 2160.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendments in the rules regulating the Workmen's Contributory Provident Fund as instituted with the Government of India, late Finance Department Resolution No. F.33(3)-R.II/44 dated the 16th April, 1945 namely:—

In paragraph I of the said Resolution, after entry (xx), the following entries shall be added and shall be deemed to have been added with effect from the 1st April, 1971, namely:—

"(xxi) Workcharged establishment of Trombay Township Project, Bombay (Department of Atomic Energy)".

"(xxii) Workcharged establishment of Directorate of Estate Management Bombay (Deptt. of Atomic Energy)":

*Explanatory Memorandum*

The Contributory Provident Fund shall apply to all eligible workers with effect from 1st April, 1971 i.e. those who have put in at least one year continuous service or that date. None of the employees of the Trombay Township Project or Directorate of Estate Management is adversely affected by giving retrospective effect to the Scheme.

[No. F.19(1)-E.V.(B)/72.]

**S.O. 2161.**—In exercise of the powers confered by the proviso to article 309 of the Constitution, the President hereby makes the following further amendments in the rules regulating the Workmen's Contributory Provident Fund as instituted with the Government of India, late Finance Department Resolution No. F.33(3) R.II/44, dated the 16th April, 1945, namely:—

In paragraph 1 of the said Resolution after entry (xviii) the following entries shall be added and shall be deemed to have been added with effect from the 1st April, 1970 namely:—

"(xix) Workcharged establishment of Madras Atomic Power Project Kalpakkam (Tamil Nadu)".

"(xx) Workcharged and casual Employees of the Bhabha Atomic Research Centre".

*Explanatory Memorandum*

The Contributory Provident Fund shall apply to all eligible workers with effect from 1st April, 1970 i.e. those who put in at least one year continuous service on that date. None of the employees of Madras Atomic Power Project or Bhabha Atomic Research Centre is adversely affected by giving retrespective effect to the Scheme.

[No. F.6(3)-E.V.(B)/71.]

S. S. L. MALHOTRA, Under Secy.

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**(Department of Banking)**

*New Delhi, the 19th April 1972*

**S.O. 2162.**—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply till the 15th March 1973 to the Hindustan Commercial Bank Ltd., Kanpur, in respect of the property (Plot of land) held by it at Dholpur.

[No. F.15(8)-BC/72.]

**(बैंकिंग विभाग)**

नई दिल्ली, 19 अप्रैल, 1972

**एस०ओ० 2162.**—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा घोषित करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध, हिन्दुस्तान कमर्शियल बैंक लि०, कानपुर पर, उसकी धौलपुर स्थित सम्पत्ति (भूमि खण्ड) के सम्बन्ध में 15 मार्च, 1973 तक लागू नहीं होंगे ।

[संख्या एफ० 15(8)—बी० सी०/72]

*New Delhi, the 25th May 1972*

**S.O. 2163.**—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply, till the 5th April 1973, to the Catholic Syrian Bank Ltd, Trichur, in respect of the immovable property measuring 2.59 acres held by it at Palakuzha village, Muvattupuzha Taluk, Ernakulam District. Kerala State.

[No. F.15(11)-BC/72.B.O.III.]

नई दिल्ली, 25 मई, 1972

**एस० ओ० 2163.**—बैंकिंग विनियमन अधिनियम 1949 (1949 का दसवां) की धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्द्वारा घोषित करती है कि उक्त अधिनियम की धारा 9 उपबन्ध कैथोलिक सीरियन बैंक लिमिटेड, त्रिचूर पर, उस उसके अधिकार में केरल राज्य जिला एर्नाकुलम के ताल्लुक मुवत्तुपुझा ग्राम पालाकुझा में स्थित अचल सम्पत्ति पर, जो 2.59 एकड़ है, 5 अप्रैल, 1973 तक लागू नहीं होंगे ।

[सं० फा० 15(11)—बी०सी०/72—बी०ओ० III]

*New Delhi, the 3rd June 1972*

**S.O. 2164**—In exercise of the powers conferred by section 53 of the Banking Rdgulation Act, 1949 (10 of 1949), Central Government, on the recommendation of the Reserve Bank of India, herby declares that the provisions of sub-clause (i) and (ii) of clause (c) of sub-section (1) of section 19 of the said Act shall not apply till the 30th June, 1973 to the undermentioned banks in so far as said provisions prohibit their respective custodians and /or Chief executive officers by whatever name called, from being the directors of the Kerala Industrial and Technical Consultancy Organisation Ltd., being a company registred under the companies Act, 1956 (1 of 1956).

| Sl. No. | Name of the Bank | Name & Designation of Custodian/Chief Executive Officer. |
|---|---|---|
| 1 | Canara Bank | Shri K. P. J. Prabhu |
| 2 | Indian Overseas Bank | Shri R.N. Chettur |
| 3 | Syndicate Bank | Shri K. K. Pai |
| 4 | Union Bank of India | Shri P. F. Gutta |
| 5 | Indian Bank | Shri G. Lakshminarayanan |

[No. 14(2)-B. O. III/72]

K. YESURATNAM, Under Secy.

नई दिल्ली, 3 जून, 1972

**एस० ओ०** 2164.—बैंककारी विनियम अधिनियम 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा घोषित करती है कि —उक्त अधिनियम की धारा 10 की उपधारा (i) खण्ड (ग) के उपखण्ड (I) और (II) के उपबन्ध 30 जून, 1973 तक नीचे लिखे बैंकों के मामले में लागू नहीं होंगे जहां तक यह उपबन्ध उन बैंकों के अभिरक्षक और अथवा मुख्य कार्यकारी अधिकारियों —चाहे वह किसी भी नाम से पुकारे जाते हों—को केरल औद्योगिक और तकनीकी परामर्शदात्री संस्था लिमिटेड (केरल इण्डस्ट्रियल एण्ड टेकनीकल कन्सलटेन्सी आरगेनाइजेसन लिमिटेड ), जो 1956 (1956 का पहला) के अधीन एक रजिस्टर्ड कम्पनी है, का निदेशक होने पर प्रतिबन्ध लगाते हैं ।

| क्रम संख्या | बैंक का नाम | अभिरक्षक/मुख्य कार्यभारी अधिकारी का नाम और पद |
|---|---|---|
| 1. | केनारा बैंक | श्री के० पी० जे० प्रभु |
| 2. | इण्डियन ओवरसीज बैंक | श्री पी० एन० चित्तूर |
| 3. | सिण्डीकेट बैंक | श्री के० के० पै |
| 4. | यूनियन बैंक आफ इण्डिया | श्री पी० एफ० गट्टा |
| 5. | इण्डियन बैंक | श्री जी० लक्ष्मी नारायणन |

[संख्या 14 (2) बी० ओ० 111/72]

के० येसुरत्नम अवर सचिव ।

**(Department of Banking)**

*New Delhi, the 3rd May 1972*

**S.O. 2165.**—In exercise of the powers confered by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to Purulia Central Co-operative Bank Ltd., Purulia for the period from 1st March 1969 to 28th February, 1973.

[No. F.8-1/72-AC.]

**(बैंकिंग विभाग)**

नई दिल्ली, 3 मई, 1972

**एस० ओ० 2165.**—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10वां) की धारा 56 के साथ पठित धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्द्वारा घोषित करती है कि उक्त अधिनियम की धारा 11 की उप-धारा (1) के उपबन्ध 1 मार्च, 1969 से 28 फरवरी, 1973 तक की अवधि के लिए पुरलिया सेण्ट्रल कोआपरेटिव बैंक लिमिटेड पुरलिया पर लागू नही होंगे ।

[संख्या एफ० 8-1/72-ए०सी०]

**S.O. 2166.**—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the undernoted co-operative banks for a period of one year from 1st March, 1972 to 28th February, 1973.

(i) The Chandigarh State Co-operative Bank Ltd., Chandigarh.

(ii) The Dibrugarh Central Co-operative Bank Ltd., Dibrugarh.

[No. F.8-1/72-AC.]

**एस० ओ० 2166.**—बैंकिंग विनियमन अधिनियमन, 1949 (1949 का 10 वां) की धारा 56 के साथ पठित धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्द्वारा घोषित करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध 1 मार्च, 1972, 28 फरवरी, 1973 तक की एक वर्ष की अवधि के लिए निम्नलिखित सहकारी बैंकों पर लागू नहीं होंगे ।

(1) दी चन्डीगढ़ स्टेट कोआपरेटिव बैंक लिमिटेड, चन्डीगढ़ ;

(2) दी डिब्रूगढ़ सेन्ट्रल कोआपरेटिव बक लिमिटेड डिब्रूगढ़ ;

[संख्या एफ० 8-1/72 ए० सी०]

*New Delhi, the 15th May 1972*

**S.O. 2167.**—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of section 11 of the said Act shall not apply to the undernoted co-operative banks for a period of one year from 1st March, 1972 to 28th February, 1973.

(i) The Timba Road Urban Co-operative Bank Ltd., Timba Road.

(ii) The National Co-operative Bank Ltd., Bombay.

[No. F.8-1/72-AC.]

नयी दिल्ली, 15 मई, 1972

**एस० ओ० 2167.**—बैंकिंग विनियमन अधिनियम, 1949 (1949 का दसवां) की धारा 56 के साथ पठित धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतदद्वारा घोषित करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध, 1 मार्च, 1972 से 28 फरवरी, 1973 तक की एक वर्ष की अवधि के लिए निम्नलिखित सहकारी बैंकों पर लागू नहीं होंगे :

(i) टिम्बा रोड अरबन कोआपरेटिव बैंक लि० टिम्बा रोड ।

(ii) नेशनल कोआपरेटिव बैंक लिमिटेड, बम्बई ।

[संख्या एफ० 8-1/72-ए० सी०]

*New Delhi, the 24th May 1972*

**S.O. 2168.**—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to Sree Krishna Co-operative Urban Bank Ltd., Machilipatnam for the period from 1st March 1972 to 28th February 1973.

[No. F.8/1/72-AC/640.]

L. D. KATARIA, Dy. Secy.

नई दिल्ली, 24 मई, 1972

**एस० ओ० 2168.**—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10 वां) की धारा 56 के साथ पठित धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्द्वारा घोषित करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध पहली मार्च, 1972 से 28 फरवरी, 1973 तक की अवधि के लिए श्री कृष्ण कोआपरेटिव अर्बन बैंक लिमिटेड, मछलीपत्तनम पर लागू नहीं होगी ।

[संख्या एफ० 8/1/72-ए० सी०/640]

एल० डी० कटारिया, उप सचिव ।

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**(Department of Banking)**

*New Delhi, the 27th May 1972*

**S.O. 2169.**—In pursuance of Section 5 of the Industrial Finance—Corporation of India Act, 1948 (15 of 1948), the Central Government hereby fixes the minimum rate of annual dividend guaranteed by that Government on the additional share capital of Rs. 1,65,40,000 to be issued by the Corporation at four and a half per cent.

[No. F.2(6)IF.I/72.]

M. K. VENKATACHALAM, Jt. Secy.

**बैंकिंग विभाग**

नई दिल्ली, 27 मई, 1972

**एस० ओ० 2169** भारतीय औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15 वां) की धारा 5 के अनुसरण में केन्द्रीय सरकार अपने द्वारा प्रत्याभूत 1,65,40,000/- रुपये की पूंजी के अतिरिक्त शेयरों पर, जोकि निगम द्वारा जारी किये जायेंगे, लाभांश की न्यूनतम दर साढ़े चार प्रतिशत निर्धारित करती है ।

[सं० एफ० 2(6) आई० एफ० 1/72]

एम० के० वैंकटाचलम, सयुक्त सचिव ।

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**(Department Revenue and Insurance)**

INCOME-TAX

*New Delhi, the 13th March 1972*

**S.O. 2170.**—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Social Science Research, the prescribed authority, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (43 of 1961), subject to the condition that the Institute would send an annual report of its activities and research programmes and also a statement of accounts of funds received under section 35(1)(iii) and their utilisation to the Indian Council of Social Science Research, New Delhi.

INSTITUTION

TATA INSTITUTE OF SOCIAL SCIENCE, BOMBAY

[No. 57 No. F. 203/28/71-ITA.II.]

**राजस्व और बीमा विभाग**

आयकर

नई दिल्ली, 13 मार्च, 1972

**एस० ओ० 2170** सर्वसाधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि आयकर अधिनियम, 1961 (1961 का 43) की धारा 35 की उपधारा (1) के खण्ड (iii) के प्रयोजनों के लिए, विहित प्राधिकारी, भारतीय समाज विज्ञान अनुसन्धान परिषद् ने निम्नलिखित संस्था का अनुमोदन इस शर्त के अधीन किया है कि संस्थान अपने क्रियाकलापों और अनुसन्धान कार्यक्रमों की एक वार्षिक रिपोर्ट और धारा 35(1) (iii) के अधीन प्राप्त हुई निधियों के लेखाओं और उनके उपयोग का एक विवरण भी भारतीय समाज विज्ञान अनुसन्धान परिषद् नई दिल्ली को भेजे ।

संस्था

टाटा इंस्टीट्यूट आफ सोशल साइन्सेज, बम्बई ।

[सं० 57( फा०सं० 203/28/70/आई० टी० ए-2]

*New Delhi, the 6th April, 1972*

**S.O. 2171.**—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, the prescribed authority, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 (43 of 1961).

INSTITUTION

KASTURBA HEALTH SOCIETY, SEVAGRAM.

[No. 71 No. F. 203/10/72-ITA.II.]

आयकर

नई दिल्ली, 6 अप्रैल, 1972

**एस० ओ० 2171.**—सर्वसाधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि आयकर अधिनियम, 1961 (1961 का 43) की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए, विहित प्राधिकारी, भारतीय चिकित्सा अनुसन्धान परिषद् द्वारा निम्नलिखित संस्था का अनुमोदन कर दिया गया है :

संस्था

कस्तूरबा हैल्थ सोसाइटी, सवाग्राम

[सं० 71(फा०सं० 203/10/72-आई० टी० ए०-2)]

**S.O. 2172.**—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Social Science Research, New Delhi, the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961.

INSTITUTION

THE INDIAN INSTITUTE OF MANAGEMENT, CALCUTTA.

[No. 72 F. No. 203/44/71-ITA.II.]

**एस० ओ० 2172.**—सर्वसाधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि आयकर अधिनियम, 1961 (1961 का 43) की धारा 35 की उपधारा (1) के खण्ड (iii) के प्रयोजनों के लिए विहित प्राधिकारी, भारतीय समाज विज्ञान अनुसन्धान परिषद्, नई दिल्ली द्वारा निम्नलिखित संस्था का अनुमोदन कर दिया गया है :

संस्था

इण्डियन इंस्टीट्यूट आफ मेनेजमेंट, कलकत्ता

[सं० 72 (फा०सं० 203/44/71-आई० टी० ए०-2)]

**S.O. 2173.**—In pursuance of the provisions of item (iv) of paragraph 13 of the Merged States (Taxation Concessions) Order 1949, read with clause (1) of sub-section (2) of Section 297 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Finance (Revenue Division) No. S.R.O. 1620, dated the 14th May, 1954, namely:

In the Table annexed to the said notification in the entries relating to S. No. 68, in column 2, item (ii), relating to Jayamahal Palace, Bombay shall be omitted.

[No. F. No. 219/1/72-ITA-II.]

S. N. NAUTIAL, Dy. Secy.

**एस० ओ० 2173**—आयकर अधिनियम, 1961 (1961 का 43) की धारा 297 की उपधारा (2) के खण्ड (5) के साथ पठित, विलीन राज्य (करारोपण सम्बन्धी रियायतें) आदेश, 1949 के पैरा 13 की मद (iv) के अनुसरण में, केन्द्रीय सरकार, भारत सरकार के वित्त मंत्रालय (राजस्व प्रभाग) की तारीख 14 मई,

1954 की अधिसूचना सं० का० नि० आ० 1620 में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना से उपाबद्ध सारणी में, क्रम सं० 68 से सम्बन्धित प्रविष्टियों में, स्तम्भ में, जयमहल पैलेस, बम्बई से सम्बन्धित मद (ii) लुप्त कर दी जाएगी।

[सं० 73 (फा सं० 219/1/72—आई० टी० ए०—2)]

एम० एन० नौटियाल, उप सचिव।

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**(Department of Revenue and Insurance)**

INCOME TAX

*New Delhi, the 12th May, 1972*

**S.O. 2174.**—In exercise of the powers conferred by sub-clause (iii) of clause 44 of Section 2 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby authorises Shri T. K. V. Subrahmanyam who is a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification which supersedes Notification No. 122 (F. No. 404/107/71-ITCC), dated 19th April, 1972 is effective from 29th April, 1972.

[No. 87 F. No. 404/67/72-ITCC.]

**(राजस्व और बीमा विभाग)**

आय-कर

नई दिल्ली, तारीख 12 मई, 1972

**एस० ओ० 2174** आयकर अधिनियम 1961 (1961 का 43) की धारा 2 के खण्ड 44 के उपखण्ड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, श्री टी० के० वी० सुब्रमणियम को जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए एतद्द्वारा प्राधिकृत करती है।

यह अधिसूचना जो अधिसूचना सं० 122 फा० सं० 404/107/71आई टी० सं० पा० तारीख 19 अप्रैल, 1972 को अतिष्ठित करती है, 29 अप्रैल, 1972 से प्रभावी है।

[सं० 87(फ० सं० 404/67/72 आई० टी० सी०)]

*New Delhi, the 19th May 1972*

**S.O. 2175.**—In exercise of the powers conferred by sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises S/Shri S. M. S. Raghavan and L. G. Hangal who are Gazetted Officers of the Central Government to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification which supersedes Notification No. 26 (F. No. 16/82/69-ITCC) dated 16th April, 1969 shall come into force with effect from 22nd May, 1972.

[No. 91 F. No. 404/194/72-ITCC.]

A. K. NASTA, Under Secy.

नई दिल्ली, 19 मई, 1972

**एस० ओ० 2175** आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (41) के उपखण्ड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, सर्वश्री एस० एम० एस० राघवन और एल० जी० हंगल को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिए एतद्द्वारा प्राधिकृत करती है।

यह अधिसूचना जो अधिसूचना सं० (फा० सं० 16/82/69-आई टी सी सी) तारीख 16 अप्रैल 1969 को अतिष्ठित करती है, 22 मई, 1972 से प्रवृत होगी।

[सं० 91(फा० सं० 404/194/72-आई० टी० सी०सी०)]

ए० के० नास्ता, अवर सचिव

**(Department of Revenue and Insurance)**

*New Delhi, the 18th May 1972*

**S.O. 2176.**—In exercise of the powers conferred by clause (q) of sub-section (1) of section 27A of the Insurance Act, 1938 (4 of 1938) as applied to the Life Insurance Corporation of India by the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. G.S.R. 734, dated the 23rd August, 1958, the Central Government hereby declares the debentures of the value of seven crores rupees issued in 1972 by the Industrial Credit and Investment Corporation of India Limited as approved investments for the purposes of the above section.

[No. F.51(40)-Ins.I/69-I.]

**(राजस्व और बीमा विभाग)**

नई दिल्ली, 18 मई, 1972

**का० आ० 2176** बीमा अधिनियम, 1938 (1938 का 4) की धारा 27-क की उपधारा (1) के खण्ड (ध) जैसा कि वह भारत सरकार के वित्त मंत्रालय (आर्थिक कार्य विभाग) की तारीख 23 अगस्त, 1958 की अधिसूचना स० सा० का० नि० 734 द्वारा भारतीय जीवन बीमा निगम को लागू है, द्वारा प्रदत शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इंडस्ट्रियल क्रैडिट एण्ड इंवेस्टमैंट कारपोरेशन आफ इंडिया लिमिटेड द्वारा 1972 में पुरोधृत सात करोड़ रुपये के मूल्य के डिबैन्चरों को उपरोक्त धारा के प्रयोजनों के लिए अनुमोदित विनिधानों के रूप में इंवैस्टमैंट एतद्द्वारा घोषित करती है।

[स० फा० 51 (40) - बीमा-1/69-1]

**S.O. 2177.**—In exercise of the powers conferred by clause (j) of sub-section (1) of section 27B of the Insurance Act, 1938 (4 of 1938), the Central Government hereby declares the debentures of the value of seven crores rupees issued in 1972 by the Industrial Credit and Investment Corporation of India Limited as approved investments for the purposes of the above section.

[No. F.51(40)-Ins.I/69-II.]

R. K. MAHAJAN, Dy. Secy.

**का० आ० 2177** बीमा अधिनियम, 1938 (1938 का 4) की धारा 27-ख की उपधारा (1) के खण्ड (अ) द्वारा प्रदत शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इंडस्ट्रियल क्रैडिट एण्ड इंवैस्टमट कारपोरेशन आफ इंडिया लिमिटेड द्वारा 1972 में पुरोधृत सात करोड़ रूपये के मूल्य के डिबैन्चरों को उपरोक्त धारा के प्रयोजनों के लिए अनुमोदित विनिधानों के रूप में एतद्द्वारा घोषित करती है।

[स० फा० 51 (40)-बीमा-1/69-2

आर० के० महाजन, उप सचिव।

**(Department of Revenue and Insurance)**

*New Delhi, the 1st July 1972*

**S.O. 2178.**—In pursuance of sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 read with rule 34 of the Central Civil Services (Classification Control & Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. S.R.O. 612, dated the 28th February, 1957, namely:—

In the Schedule to the said notification:—

(a) In Part II, General Central Service, Class III, after the existing entries under the heading 'Income-tax Department", the following entries shall be added, namely:—

| Description of Post | Appointing Authority | Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11) | | Appellate Authority |
|---|---|---|---|---|
| | | Authority | Penalties | |
| 1 | 2 | 3 | 4 | 5 |
| Posts attached to the Additional Commissioner of Income-tax. | Assistant Commissioner of Income-tax (Headquarters) or Income-tax Officer (Headquarters) (as the case may be).) | Assistant Commissioner of Income-tax or Income-tax Officer (Headquarters) (as the case may be). | All | Additional Commissioner of Income-tax. |

(b) In Part III, General Central Service, Class IV, after the existing entries under the heading "Income-tax Department", the following entries shall be added, namely:—

| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|
| Posts attached to the Additional Commissioner of Income-tax. | Assistant Commissioner of Income-tax (Headquarters) or Income Tax Officer (Headquarters) (as the case may be). | Assistant Commissioner of Income-tax or Income-tax Officer (Headquarters) (as the case may be.) | All | Additional Commissioner of Income-tax. |

[No. F. 122/20/70-Ad. IX.]
L.S.P. SARATHY, Under Secy.

**(राजस्व और बीमा विभाग)**

नई दिल्ली, 1 जुलाई, 1972

**का० आ० 2178.**—केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 34 के साथ पठित नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खण्ड (ख) और नियम 24 के उप-नियम 24(1) के अनुसरण में, राष्ट्रपति, भारत सरकार के वित्त मंत्रालय (राजस्व विभाग) की अधिसूचना सं० का० नि० आ० 612, तारीख 28 फरवरी, 1957 में एतद्द्वारा निम्नलिखित और संशोधन करते हैं, अर्थात्:—

उक्त अधिसूचना की अनुसूची में :—

(क) भाग 2, साधारण केन्द्रीय सेवा वर्ग 3 में, "आय-कर विभाग" शीर्षक के नीचे की विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

| पद का वर्णन | नियुक्ति प्राधिकारी | शास्तियां अधिरोपित करने के लिए सक्षम प्राधिकारी और वे शास्तियां जिन्हें वह (नियम 11 की मद संख्याओं के प्रतिनिदेश से) अधिरोपित कर सकेगा | | अपील प्राधिकारी |
|---|---|---|---|---|
| | | प्राधिकारी | शास्तियां | |
| (1) | (2) | (3) | (4) | (5) |
| अपर आय-कर आयुक्त से सलग्न पद | सहायक आय-कर आयुक्त (मुख्यालय) या आय-कर अधिकारी (मुख्यालय) (यथास्थिति) | सहायक आयकर आयुक्त या आय-कर अधिकारी (मुख्यालय) (यथास्थिति) | सभी | अपर आय-कर आयुक्त |

(ख) भाग 3, साधारण केन्द्रीय सेवा, वर्ग 4 में, "आयकर विभाग" शीर्षक के नीचे विद्यमान प्रविष्टियों के पश्चात्, निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

| (1) | (2) | (3) | (4) | (5) |
|---|---|---|---|---|
| अपर आय-कर आयुक्त से संलग्न पद | सहायक आय-कर आयुक्त (मुख्यालय) या आय-कर अधिकारी (मुख्यालय) (यथास्थिति) | सहायक आय-कर आयुक्त या आय-कर अधिकारी (मुख्यालय) (यथास्थिति) | सभी | अपर आय-कर आयुक्त |

[सं० फा० 122/20/70-प्रशा०9.]
एल० एम० पी० सारथी, अवर सचिव

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**(Department of Economic Affairs)**

*New Delhi, the 28th June 1972.*

**S.O. 2179.**—In exercise of the powers conferred by section 6 of the Indian CoinageAct, 1906 (3 of 1906), the Central Government hereby determines that—

(a) coins of the following denominations shall also be coined at the Mint for issue under the authority of the Central Government of the occasion of the 25th Anniversary of India's Independence in August, 1972, namely:—
(i) Ten Rupees,
(ii) Fifty Paise;

(b) the coins of the above denominations shall conform to the following dimensions, designs and composition, namely:—

| Denomination of the coin. | Shape and outside diameter. | Nunmber of serrations. | Metal composition |
|---|---|---|---|
| Ten Rupees | Circular; 39 millimetres | 180 | Quarternery alloy; Silver 50% Copper 40%—. Nickel 5% and Zinc 5%. |
| Fifty Paise | Circular; 24 millimetres | 205 (Security Edged) | Cupro-nickel ; Copper 75% and Nickel 25%. |

*Designs*:

*Ten Rupees—Obverse*.—The obverse side of the coin shall bear the Lion Capital of the Ashoka Pillar flanked on the left upper periphery with the word " भारत " in Hindi and on the right upper periphery with the word "INDIA" in English. It shall also bear the denominational value "10" in international numerals flanked on the left lower periphery with the word " रुपये " in Hindi and on the right lower periphery with the word "Rupees" in English.

*Reverse*.—The reverse side of the coin shall depict two youths (a man and a woman) the man holding the national Flag aloft with the Parliament House in the background. The years 1947-72 in international numerals shall appear on the left lower periphery. The figures "25" in international numerals followed by the words " वीं स्वातंत्र्य जंयती " in Hindi shall appear on the right upper periphery.

*Fifty Paise—Obverse*.—The obverse side of the coin shall bear the Lion Capital of Ashoka Pillar flanked on the left upper periphery with the word " भारत " in Hindi and on the right upper periphery with the word "INDIA" in English. It shall also bear the denominational value "50" in international numerals flanked on the left lower periphery with the word" पैसे "in Hindi and on the right lower periphery with the word "Paise" in English.

*Reverse*.—The reverse side of the coin shall depict two youths (a man and a woman), the man holding the national flag aloft with the Parliament House in the background. The years 1947-1972 in international numerals shall appear on the left lower periphery. The figures "25" in international numerals followed by the words " वां स्वातंत्र्य जंयती " in Hindi shall appear on the right upper periphery.

2. This notification shall come into force on the 1st day of July, 1972.

[No. F. 1/2/71-Coin (i)]

**(आर्थिक कार्य विभाग)**

नई दिल्ली, 28 जून 1972

**का०आ० 2179.**—भारतीय सिक्का-ढिलाई अधिनियम, 1906 (1906 के तीसरे) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा यह निर्धारित करती है :—

(क) अगस्त 1972 में, भारत की 25वीं स्वातंत्र्य जयंती के उपलक्ष्य में, केन्द्रीय सरकार के प्राधिकार के अन्तर्गत, जारी करने के लिए निम्नलिखित सिक्के भी टकसाल में ढाले जायेंगे, अर्थात् :—

(i) दस रुपये,
(ii) पचास पैसे ;

(ख) उपर्युक्त सिक्कों का आकार, डिजाइन और बनावट इस प्रकार होगी अर्थात् :—

| सिक्के का मूल्य | आकार और बाहरी व्यास | दंदानों की संख्या | धातु की बनावट |
|---|---|---|---|
| दस रुपये | वृत्ताकार 39 मिलि-मीटर | 180 | चतुर्धातु मिश्रण चांदी 50 प्रतिशत, तांबा 40 प्रतिशत, निकल 5 प्रतिशत और जिंक 5 प्रतिशत |
| पचास पैसे | वृत्ताकार 24 मिलिमीटर | 205 (सिक्योरिटी एज्ड) | कुपरो निकल, तांबा 75 प्रतिशत और निकल 25 प्रतिशत । |

**डिजाइन :**

**दस रुपये—सम्मुख भाग :—**

सिक्के के सम्मुख भाग (औवर्स साइड) में अशोक स्तम्भ वाले शेर का चिन्ह होगा और उसके बायीं ओर की ऊपरी परिधि के पार्श्व में हिन्दी में "भारत" शब्द तथा दायीं ओर की ऊपरी परिधि में अंग्रेजी में "INDIA" शब्द होंगे। इसके बायीं ओर निचली परिधि में अन्तर्राष्ट्रीय अंकों में सिक्के का मूल्य "10" और हिन्दी में शब्द "रुपये" होगा और दायीं ओर की निचली परिधि में अंग्रेजी में "Rupees" शब्द होगा

**पृष्ठ भाग :**

सिक्के के पृष्ठ भाग में एक युवक और एक युवती का चित्र होगा और युवक संसद भवन की पृष्ठ भूमि सहित चोटी पर हाथ में राष्ट्रीय ध्वज लिए होगा । बायीं ओर की निचली परिधि में अन्तर्राष्ट्रीय अंकों में "1947–1972" वर्ष होंगे । दायीं ओर की ऊपरी परिधि में, अन्तर्राष्ट्रीय अंक "25" के बाद "वीं स्वातंत्र्य जयंती" शब्द होंगे ।

**पचास पैसे—सम्मुख भाग :**

सिक्के के सम्मुख भाग में अशोक स्तम्भ वाले शेर का चिन्ह होगा और इसके बायीं ओर की ऊपरी परिधि के पार्श्व में हिन्दी में "भारत" शब्द तथा दायीं ओर की ऊपरी परिधि में अंग्रेजी में "INDIA" शब्द होंगे। इसके बायीं ओर की निचली परिधि के पार्श्व में अन्तर्राष्ट्रीय अंकों में सिक्के का मूल्य "50" और हिन्दी में शब्द "पैसे" होंगे और दायीं ओर की निचली परिधि में अंग्रेजी में "Paise" शब्द होगा ।

**पृष्ठ भाग :**

सिक्के के पृष्ठ भाग में एक युवक और एक युवती का चित्र होगा और युवक संसद भवन की पृष्ठ भमि सहित चोटी पर हाथ में राष्ट्रीय ध्वज लिए होगा। बायीं ओर की निचली परिधि में अन्तर्राष्ट्रीय अंकों में "1947–1972" वर्ष होंगे । दायीं ओर की ऊपरी परिधि में अन्तर्राष्ट्रीय अंक "25" के बाद "वीं स्वातंत्र्य जयंती" शब्द होंगे ।

2. यह अधिसूचना, जुलाई 1972 के प्रथम दिवस से लागू होगी ।

[सं० एफ० 1/2/71–कायनेज (1)]

**S.O. 2180.**—In exercise of the powers conferred by sub-section (1) of section 21 read with section 7 of the Indian Coinage Act 1906 (3 of 1906), the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Indian Coinage Rules, 1972.

(2) They shall come into force on the 1st day of July, 1972.

2. **Standard weight and remedy allowed.**—The standard weight of the following coins coined under the provisions of section 6 of the Indian Coinage Act, 1906 (3 of 1906) and the remedy allowed in the making of such coins shall be as specified below:—

| Denomination | Weight | Remedy allowed | |
|---|---|---|---|
| | | in composition | in weight |
| Ten Rupees . . . . . | 22·50 grammes | Two thousandth plus or minus for Silver *i.e.* the Silver content could vary from 498 to 502 per thousand. | 1/100th plus or minus *i.e.* the weight could vary from 22.275 grammes to 22.725 grammes. |
| Fifty Paise . . . . . | 5.0 grammes | One hundredth plus or minus both for Copper and Nickel *i.e.* copper could vary from 74 to 76 per cent and nickel from 26 to 24 per cent. | 1/40th plus or minus *i.e.* the weight could vary from 4.875 grammes to 5.125 grammes. |

[No. F. 1/2/71-Coin (ii)]

A. . MUKHERJEE, Dy. Secy.

**का०आ० 2180.**—भारतीय सिक्का ढलाई अधिनियम, 1906 (1906 का तीसरा) के खण्ड 7 के साथ पठित खण्ड 21 के उप-खण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्द्वारा निम्नलिखित नियम बनाती है अर्थात् :—

1. **संक्षिप्त शीर्षक और प्रारम्भ.**—(1) इन नियमों को भारतीय सिक्का ढलाई नियमावली, 1972 कहा जायेगा ।

(2) ये नियम पहली जुलाई 1972 में लागू होंगे ।

2. **प्रामाणिक तोल और अनुमत परिहार.**—भारतीय सिक्का ढलाई अधिनियम, 1906 (1906 का तीसरा) के खण्ड 6 के उपबन्धों के अधीन ढाले गए निम्नलिखित सिक्कों का प्रामाणिक तोल और ऐसे सिक्कों के निर्माण में अनुमत परिहार नीचे निर्दिष्ट किए गए के अनुसार होगा :—

| मूल्य | तोल | अनुमत परिहार | |
|---|---|---|---|
| | | मिश्रण में | तोल में |
| दस रुपया | 22.50 ग्राम | चांदी के सम्बन्ध में दो हजार वां भाग अधिक या कम अर्थात् चांदी की मात्रा में प्रति हजार 498 से 502 तक की घटबढ़ हो सकती है । | 1/100 अधिक या कम अर्थात तोल में 22.275 ग्राम से 22.725 ग्राम तक की घटबढ़ हो सकती है । |
| पचास पैसा | 5.0 ग्राम | तांबा और निकल दोनों के संबंध में सौवां भाग अधिक या कम अर्थात् तांबे में 74 से 76% तक और निकल में 26 से 24% तक की घटबढ़ हो सकती है । | 1/40 अधिक या कम अर्थात तोल में 4.875 ग्राम से 5.125 ग्राम तक की घटबढ़ हो सकती है । |

[संख्या एफ० 1/2/71-कायनेज (ii)]

ए० के० मुखर्जी, उप-सचिव ।

## CENTRAL BOARD OF DIRECT TAXES

INCOME TAX

*New Delhi, the 15th September 1971*

**S.O. 2181.**—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule appended to its notification No 20 (F. No. 55/162-IT), dated the 30th April, 1963 published as S.O. 1293 on pages 1454-1457 of the Gazette of India, Part II Section 3sub-section (ii) dated the 11th May, 1963 as amended from time to time.

Against 15A Kanpur, a new item is added in column 3 as under:—

"31. Fatehpur."

This notification shall come into force with effect from 9th August 1971.

[No. 275/F. No. 187/14/79-IT(AI).]

## केन्द्रीय प्रत्यक्ष कर बोर्ड

आयकर

नई दिल्ली, 15 सितम्बर, 1971

**एस० ओ० 2181.**—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, भारत के राजपत्र, तारीख 11 मई, 1963, भाग 2, खण्ड 3, उपखण्ड (ii) के पृष्ठ 1454-1457 पर का० आ० 1293 के रूप में प्रकाशित, समय समय पर यथासंशोधित, अपनी अधिसूचना सं० 20 (फ़० सं० 55/1/62-आंक) तारीख 30 अप्रैल, 1963 से संलग्न अनुसूची में एतद्द्वारा निम्नलिखित संशोधन करता है ।

15क कानपुर के सामने, स्तंभ 3 में निम्नलिखित नई मद जोड़ी गई है :—

"31 फतेहपुर ।"

यह अधिसूचना 9-8-71 से प्रवृत्त होगी ।

[सं० 275/फा० सं० 187/14/70-आ०क० (ए 1)]

*New Delhi, the 9th November 1971*

**S.O. 2182.**—In exercise of the powers conferred by sub-section(1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. 20 (F. No. 55/1/62-IT), dated the 30th April, 1963 published as S.O. 1293 on pages 1454-1457 of the Gazette of India, Part-II, Section 3, sub-section (ii) dated 11th May, 1963 as amended from time to time.

1. Existing entries under columns (1), (2) and (3) against S. Nos. 7, 7B and 7C shall be substituted by the following entries:

| Income-tax Commissiners | Head Quarters | Jurisdiction |
|---|---|---|
| 1 | 2 | 3 |
| 7. Delhi-I | New Delhi. | 1. Distt. VIII, New Delhi.<br>2. Distt. X, New Delli.<br>3. Company Circles II, III, VII, X, XII, XIII, XIV, XV, XVI & XIX, New Delhi.<br>4. Speical Circles, III, IV, & X, New Delhi.<br>5. Salary Circles, New Delhi.<br>6. Private Salary Circles, New Delhi.<br>7. Estate Duty-*cum*-Income Tax Circle, New Delhi. |
| 7B. Delhi-II | New Delhi. | 1. Distt. IV, New Delhi.<br>2. Distt. V, New Delhi.<br>3. Distt. VI, New Delhi.<br>4. Companies Circles I, IV, V, VI, VII, IX, XI, XVII, XVIII, XXI & XXII, New Delhi.<br>5. Special Circles, I,I (Addl), II, II (Addl), VI, VI, (Addl) & VII, New Delhi. |
| 7C. Haryana, Himachal Pradesh & Delhi III | New Delhi. | 1. Distt. II, New Delhi.<br>2. Special Circles V, & IX, New Delhi.<br>3. Evacuee Circle, New Delhi.<br>4. All income tax Circles, Wards or Districts in Haryana.<br>5. All Income-tax Circles, Wards or Districts in Himachal Pradesh. |

2. After the existing S. No. 7C, the following shall be added.

| | | |
|---|---|---|
| 7D. Delhi-IV | New Delhi. | 1. Distt I, New Delhi.<br>2. Distt. III, New Delhi.<br>3. Distt. VII, New Delhi.<br>4. Distt. IX, New Delhi.<br>5. Special Circle-VIII, New Delhi.<br>6. Refund Circle New Delhi.<br>7. Foreign Section, New Delhi., |

This notification shall take effect from 9 November, 1971.

[No. 303/F.No. 187/8/71-IT(AI)]

नई दिल्ली, 9 नवम्बर, 1971

एस० ओ० 2182.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 11 मई, 1963 को पृष्ठ संख्या 1454-1457 पर का० आ० 1293 के रुप में प्रकाशित अपनी अधिसूचना सं० 20 (फा०सं० 55/1/62-आ० का०), तारीख 30 अप्रैल, 1963 से संलग्न समय समय पर यथा संशोधित अनुसूची में एतद्द्वारा संशोधन करता है।

1. क्रम सं० 7, 7-ख, और 7-ग, के सामने स्तम्भ (1), (2) और (3) के नीचे की विद्यमान प्रविष्टियां निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी :—

| आय-कर आयुक्त | मुख्यालय | अधिकारिता |
|---|---|---|
| 1 | 2 | 3 |
| 7- दिल्ली-I | नई दिल्ली | 1- जिला 8, नई दिल्ली।<br>2- जिला 10, नई दिल्ली।<br>3- कम्पनी सर्किल, 2, 3, 7, 10, 12, 13, 14, 15, 16 और 19 नई दिल्ली।<br>4- विशेष सर्किल, 3, 4, और 10, नई दिल्ली।<br>5- वेतन सर्किल, नई दिल्ली।<br>6- प्राइवेट वेतन सर्किल, नई दिल्ली।<br>7- सम्पदा-शुल्क एवं आय-कर सर्किल, नई दिल्ली। |
| 7-ख दिल्ली-II | नई दिल्ली | 1- जिला 4, नई दिल्ली।<br>2- जिला 5, नई दिल्ली।<br>3- जिला 6 नई दिल्ली।<br>4- कम्पनी सर्किल 1, 4, 5, 6, 8, 9, 11, 17, 18, 21 और 22।<br>5- विशेष सर्किल, 1, 1 (अतिरिक्त), 2, 2 अतिरिक्त, 6, 6 (अतिरिक्त) और 7 नई दिल्ली। |
| 7-ग हरियाणा, हिमाचल प्रदेश, और दिल्ली III | नई दिल्ली | 1- जिला 2, नई दिल्ली।<br>2 विशेष सर्किल, 5 और 9, नई दिल्ली।<br>3- शरणार्थी सर्किल, नई दिल्ली।<br>4- हरियाणा में सभी आय-कर सर्किल, वार्डें या जिले।<br>5- हिमाचल प्रदेश में सभी आय- कर सर्किलें, वार्डें या जिले। |

| 1 | 2 | 3 |
|---|---|---|
| 2- विद्यमान क्रम सं० 7-ग के पश्चात निम्नलिखित जोड़ा जाएगा :- | | |
| 7-घ दिल्ली | नई दिल्ली | 1- जिला 1, नई दिल्ली।<br>2- जिला 3, नई दिल्ली।<br>3- जिला 7, नई दिल्ली।<br>4- जिला 9, नई दिल्ली।<br>5- विशेष सर्किल 8, नई दिल्ली।<br>6- प्रतिदाय सर्किल, नई दिल्ली।<br>7- विदेशी अनुभाग, नई दिल्ली। |

यह अधिसूचना 9 नवम्बर, 1971 से प्रभावी होगी।

[सं० 303/फा० सं० 187/8/71-आ० क० (ए 1)]

*New Delhi, the 5th January, 1972*

**S. O. 2183.**—In exercise of the powers conferred by sub-section (1) of Section 121 of the income-tax Act, 1961 (43 of 1961) and in partial modification of their Notification No. 270/1971 of even number dated the 10th September, 1971 and No. 311/1971 dated the 9th November, 1971 the Central Board of Direct Taxes hereby direct that the entries under columns 2 & 3 against Serial No. 26 in the Annexure 'A' appended to the Notification No. 258/1971 of even number dated the 1st September, 1971 (since substituted by aforesaid Notification dated the 10th September, 1971) would with effect from the 12th December, 1971 be read as under:—

| Sl. No. | Commissioner of Income tax | Additional Commissioner of Income-Tax. |
|---|---|---|
| 26 | Commissioner of Income-tax Madhya Pradesh, Bhopal. | Additional Commissioner of Income-tax, Madhya Pradesh, Bhopal. |

[No. 10/F.No. 187/8/71-IT (AI)]

B. BADHAVAN, Under Secy.

नई दिल्ली, 5 जनवरी, 1972

**एस० आ० 2183.**—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उनकी उसी संख्या वाली तारीख 10 सितम्बर, 1971 की अधिसूचना सं 270/1971 और तारीख 9 नवम्बर, 1971 की अधिसूचना सं० 311/1971 को भारत: उपान्तरित करते हुए, केन्द्रीय प्रत्यक्षाकर बोर्ड एतद्द्वारा निदेश देता है कि उसी संख्या वाली तारीख 1 सितम्बर, 1971 की अधिसूचना सं० 258/1971 (जो तारीख 10 सितम्बर, 1971 की पूर्वोक्त अधिसूचना द्वारा प्रतिस्थापित की गई है) से उपाबन्ध 'क' में क्रम सं० 26 के सामने स्तम्भ 2 और 3 के नीचे की प्रविष्टियां 12 दिसम्बर, 1971 से निम्नप्रकार पढ़ी जाएंगी :—

| क्र० सं० | आयकर आयुक्त | अपर आयकर आयुक्त |
|---|---|---|
| 1 | 2 | 3 |
| 26. | आयकर आयुक्त, मध्यप्रदेश, भोपाल। | अपर आयकर आयुक्त मध्यप्रदेश, भोपाल। |

[सं० 10/(फा० सं० 187/8/71-आई टी (ए 1)]

बी० माधवन, अवर सचिव।

## MINISTRY OF SHIPPING AND TRANSPORT

**(Transport Wing)**

*New Delhi, the 18th April 1972*

**S.O. 2184.**—In exercise of the powers conferred by sub-clause (i) of clause (b) of sub-section (2) of section 4 of the Merchant Shipping Act, 1958, (44 of 1958), read with sub-rule (2) of rule 4 of the National Shipping Board Rules, 1960, the Central Government hereby appoints Shri M. G. Pimputkar as a member representing the Central Government in the National Shipping Board, in place of Shri S. K. Datta, and makes the following amendment in the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 600 dated the 24th January, 1972, namely:—

In the said notification, in the entry against Serial No. 8, for the words "Shri S. K. Datta", the words "Shri M. G. Pimputkar", shall be substituted.

[No. 37-MD(1)/72.]

B. K. SAHI, Under Secy.

## MINISTRY OF WORKS AND HOUSING

**(Directorate of Estates)**

*New Delhi, the 31st May 1972*

**S.O. 2185.**—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following amendment in the notification of the Government of India in the erstwhile Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Works, Housing and Urban Development) No. S.O. 1762 dated the 26th April, 1969, namely:—

In the said notification, for item (vi), the following item shall be substituted, namely:—

"(vi) for S.R. 317-B-8, the following shall be substituted, namely:—

S.R. 317-B—Maintenance of separate pool for lady officers:

(1) Notwithstanding anything contained in these rules, a pool of residences for allotment to lady officers (hereinafter in this rule referred to as the said pool) other than those who are married and whose husbands are eligible for allotment of accommodation under these rules, shall be maintained.

(2) Lady officers shall be entitled to allotment of accommodation in the said pool in the type next below the type to which they are entitled under the provisions of SR. 317-B-5 except those who are entitled to type II as in their case the allotment shall be made in the entitled type.

(3) The number and the type of residences to be placed in the said pool shall be determined by the Government from time to time.

(4) The inter se seniority of the lady officers eligible for allotment of residences in the said pool shall be determined according to their priority dates."

This notification shall come into force on the first day of March, 1972.

[No. F.12033(9)/71-Pol.(II).]

R. B. SAXENA,
Dy. Director of Estates (Policy).

## निर्माण और आवास मंत्रालय

**(सम्पदा निदेशालय)**

नई दिल्ली, 31 मई, 1972

**का० आ० 2185.**—राष्ट्रपति, मूल नियम के नियम 45 के उपबन्धों के अनुसरण में, भारत सरकार के पूर्ववर्ती स्वास्थ्य

और परिवार नियोजन तथा निर्माण आवास और नगर विकास मंत्रालय (निर्माण, आवास और नगर विकास विभाग) के अधिसूचना सं० का० आ० 1762 तारीख 26-4-1969 में एतद्द्वारा निम्नलिखित संशोधन करते हैं, अर्थात् :—

उक्त अधिसूचना में मद (vi) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जायेगी, अर्थात् :—

"(vi) अनु० नि० 317-ख-8 के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

अनु० नि० 317-ख-8 महिला अधिकारियों के लिए अलग पूल रखा जाना

1. इन नियमों में किसी बात के होते हुए भी, ऐसी महिला अधिकारियों से भिन्न जो विवाहित हैं और जिनके पति इन नियमों के अधीन वास-सुविधा के आवंटन के पात्र हैं, महिला अधिकारियों को आवंटन के लिए निवास-स्थानों का एक पूल (जिसे इस नियम में इसके पश्चात् उक्त पूल कहा गया है), रखा जाएगा ।

2. उन महिला अधिकारियों के सिवाय जो टाइप-2 की हकदार हैं जिनके मामले में आवंटन हकदार टाइप में किया जाएगा, महिला अधिकारी उक्त पूल में वास-सुविधा के आवंटन के लिए उस टाइप से ठीक नीचे के टाइप की हकदार होंगी जिनकी वे अनुपूरक नियम 317-ख-5 के उपबन्धों के अधीन हकदार हैं ।

3. उक्त पूल में कितने और किस टाइप के निवास रखे जायेंगे इसका अवधारण सरकार समय समय पर करेगी ।

4. उक्त पूल में निवास स्थानों के आवंटन की पात्र महिला अधिकारियों की परस्पर ज्येष्ठता का अवधारण उनकी पूर्विकता तारीखों के अनुसार किया जायेगा ।"

यह अधिसूचना मार्च, 1972 की पहली तारीख को प्रवृत्त होगी ।

[सं० एफ०/12033(9)/71-पौल (II)]

राम बहादुर सक्सेना सम्पदा, उप विदेशक (नीति)

*New Delhi, the 7th August 1972*

**S. O. 2186.**—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the table below being gazetted officers of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers, by or under the said Act, within the local limits of their respective jurisdiction in respect of the Public premises pecified in the corresponding entry in column (2) of the said table.

THE TABLE

| (1) | (2) |
|---|---|
| 1. District Manager, Telephones, Poona.<br>2. Divisional Engineer, Phones III, Ahmedabad.<br>3. District Manager, Telephones, Posts & Telegraph Department, Kanpur. | Premises under the administrative control of the Posts & Telegraphs Department situated within the local limits of their respective jurisdiction. |
| 4. Executive Engineer, Township Division, Farakka Barrage Project. | Premises belonging to, or taken on lease by, or on behalf of the Farakka Barrage Project in Murshidabad District in West Bengal and in the Santhal Parganas in Bihar. |
| 5. Executive Engineer, Left Bank Barrage Division. Farakka Barrage Project. | Premises belonging to or taken on lease by, or on behalf of the Farakka Barrage Project in Malda District in West Bengal. |
| 6. Special Director of Inspection, Directorate of Supplies & Disposals, Calcutta. | Premises belonging to or taken on lease or requisitioned by, or on behalf of the Central Government falling within the territorial jurisdiction of Kulti, P. S. Sub Registry Asansol and Asansol Court District Burdwan and which are under his administrative control. |
| 7. The Principal, College of Nursing, New Delhi. | Premises belonging to, or taken on lease or requisitioned by, or on behalf of the Ministry of Health & Family Planning and which are under the administrative control of the Principal College of Nursing, New Delhi |
| 8. Executive Engineer, Communication Division. Beas Dam, Talwara Township, Punjab—State. | Premises belonging to, or taken on lease by, and under the administrative control of the Beas Construction Board, in the Himachal Pradesh State as well as Punjab State. |
| 9. Senior Deputy Acountant-General (Administration), Office of the Accountant-General, Rajasthan, Jaipur. | Public premises under the administrative control of the Accountant General, Rajasthan, and situated within the local limits of his jurisdiction. |
| 10. Senior Deputy Accountant-General (Headquarters), Office of the Accountant-General, Posts and Telegraphs, New Delhi | Premises under the Administrative control of the Accountant - General, Posts & Telegraphs at Delhi, New Delhi. |
| 11. Collector of Ceneral Excise, Patna, Bihar. | Public premises under the administrative control of the Embassy of India, Kathmandu, at Raxaul. |

| 1 | 2 |
|---|---|
| 12. Officer-in-Charge, Vehicle Factory, Jabalpur. | Premises belonging to, or taken on lease, or requisitioned by, or on behalf of the Ministry of Defence and which are under administrative control. |
| 13. Senior Deputy Accountant-General, (Administration), Office of the Accountant-General, Madhya Pradesh, Gwalior. | Public premises under the administrative control of the Accountant-General, Madhya Pradesh and which are situated within the local limits of his jurisdiction. |

[No. F. 21011(4)/66-POL. IV.]

R. B. SAXENA,
Dy. Director of Estates
and ex-Officio Under Secretary

नई दिल्ली, 7 अगस्त, 1972

का०आ० 2186—लोक परिसर (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार, नीचे की सारणी के स्तम्भ (1) में वर्णित अधिकारियों को, जो सरकार के राजपत्रित अधिकरी हैं, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी के रूप में एतद्द्वारा नियुक्त करती है, जो उक्त सारणी के स्तम्भ (2) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट लोक परिसरों के सम्बन्ध में अपनी अपनी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेंगे, और उन पर अधिरोपित कर्तव्यों का पालन करेंगे।

**सारणी**

| (1) | (2) |
|---|---|
| 1. जिला प्रबन्धक, टेलीफोन पूना। | डाकतार विभाग के प्रशासनिक नियन्त्रण में के परिसर जो उनकी अपनी अपनी अधिकारिता की स्थानीय सीमाओं के भीतर स्थित हैं; |
| 2. खण्ड इन्जीनियर, फोन III, अहमदाबाद | |
| 3. जिला प्रबन्धक, टेलीफोन डाक-तार विभाग, कानपुर। | |
| 4. कार्यपालक इन्जीनियर टाउनशिप डिवीजन, फरक्का बराज परियोजना | पश्चिमी बंगाल के मुर्शिदाबाद जिले में और बिहार के सन्थाल परगना में फरक्का बराज परियोजना के, या उसके द्वारा या उसकी ओर से पट्टे पर लिए गए परिसर। |
| 5. कार्यपालक इंजीनियर, लेफ्ट बैंक बराज डिवीजन, फरक्का बराज परियोजना। | पश्चिमी बंगाल के मालदा जिले में फरक्का बराज, परियोजना के या उसके द्वारा, या उसकी ओर से पट्टे पर लिए गए परिसर। |
| 6. विशेष निरीक्षण-निदेशक, पूर्ति और व्ययन निदेशालय, कलकत्ता। | केन्द्रीय सरकार के या उसके द्वारा या उसकी ओर से पट्टे पर लिए गए या अधिगृहीत परिसर जो कुल्टी, पी०एस० सबरजिस्ट्री, आसनसोल और आसनसोल जिला न्यायालय बर्दवान की प्रादेशिक अधिकारिता के अन्तर्गत आते हैं और जो उसके प्रशासनिक नियन्त्रण में हैं। |
| 7. प्रधानाचार्य उपचर्या महाविद्यालय, नई दिल्ली। | स्वास्थ्य और परिवार नियोजन मन्त्रालय के या उसके द्वारा या उसकी ओर से पट्टे पर लिए गए या अधिगृहीत परिसर जो प्रधानाचार्य, उपचर्या महाविद्यालय, नई दिल्ली के प्रशासनिक नियन्त्रण में हैं। |
| 8. कार्यपालक इन्जीनियर, संचार प्रभाग, ब्यास बांध, तलवाड़ा टाउनशिप, पंजाब राज्य। | ब्यास निर्माण बोर्ड के या उसके द्वारा या उसकी ओर से पट्टे पर लिए गए परिसर जो हिमाचल प्रदेश राज्य और पंजाब राज्य में उसके प्रशासनिक नियन्त्रण में हैं। |
| 9. ज्येष्ठ उप-महालेखापाल (प्रशासन) महालेखापाल का कार्यालय, राजस्थान, जयपुर। | महालेखापाल, राजस्थान के प्रशासनिक नियन्त्रण में के लोक परिसर जो उसकी अधिकारिता की स्थानीय सीमाओं के भीतर स्थित हैं। |
| 10. वरिष्ठ उप-महालेखापाल (मुख्यालय) महालेखापाल का कार्यालय, डाकतार, नई दिल्ली। | महालेखापाल, डाकतार, दिल्ली/नई दिल्ली के प्रशासनिक नियन्त्रण में के परिसर। |
| 11. केन्द्रीय उत्पाद शुल्क कलक्टर, पटना, बिहार। | रक्सौल स्थित भारत का राजदूतावास, काठमण्डू के प्रशासनिक नियन्त्रण में के लोक परिसर। |

| (1) | (2) |
|---|---|
| 12. भार साधक अधिकारी विहीकल कारखाना, जबलपुर। | रक्षामन्त्रालय के, या उसके द्वारा या उसकी ओर से पट्टे पर लिए गए या अधिगृहीत परिसर जो उसके प्रशासनिक नियन्त्रण में है। |
| 13. ज्येष्ठ उप-महालेखापाल (प्रशासन), महालेखापाल का कार्यालय, मध्य प्रदेश, ग्वालियर। | महालेखापाल, मध्यप्रदेश, के प्रशासनिक नियन्त्रण में के लोक परिसर जो उसकी अधिकारिता की स्थानीय सीमाओं के भीतर स्थित हैं। |

[सं० फा० : 21011/(4)/66-नीति-4]

राम बहादुर सक्सैना,

उप सम्पदा निदेशक और पदेन अवर सचिव।

## MINISTRY OF LABOUR AND REHABILITATION

**(Department of Labour and Employment)**

*New Delhi, the 12th April 1972*

**S.O. 2187.**—In exercise of the powers conferred by section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a Labour Court with headquarters at Simla for the adjudication of industrial disputes relating to any matter specified in the Second Schedule to the said Act and for performing such other functions as may be assigned to it under the said Act, and appoints Shri Kedar Ishwar as the presiding officer of that Court.

[No. F. S. 11025/1/71-LR.I.]

## श्रम और पनर्वास मंत्रालय

(श्रम और रोजगार विभाग)

नई दिल्ली, 12 अप्रैल, 1972

**का० आ०** 2187.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एक श्रम न्यायालय, जिसका मुख्यालय शिमला में होगा, उक्त अधिनियम की द्वितीय अनुसूची में विनिर्दिष्ट किसी मामले से सम्बन्धित औद्योगिक विवादों के न्यायनिर्णयन के लिये तथा ऐसे अन्य कृत्यों का पालन करने के लिये जो उसे उक्त अधिनियम, के आधीन सौंपे जाएँ, एतद्द्वारा गठित करती है और श्री केदार ईश्वर को उस न्यायालय का पीठासीन अधिकारी नियुक्त करती है।

[सं० फा० एस-11025/1/71-एल०आर०-1]

*New Delhi, the 1st June 1972*

**S.O. 2188.**—PWA/Sec. 14/Mines/Air Transport Services:

In exercise of the powers conferred by sub-section (3) of section 14, read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2112, dated the 29th May, 1970, namely:—

In the Table to the said notification,—

(i) against item II, in column 3, for the words "Union Territory of Goa, Daman and Diu", the words "Union territories of Goa, Daman and Diu and Dadra and Nagar Haveli" shall be substituted;

(ii) against item III, in column 3—

(a) for the words "Meghalaya and Nagaland", the words "Meghalaya, Nagaland, Manipur and Tripura" shall be substituted;

(b) for the words "Union Territories of Manipur and Tripura", the words "Union Territories of Mizoram, Arunachal Pradesh" shall be substituted;

(iii) against item IV, in column 3, for the words "Union territory of Pondicherry", the words "Union territories of Pondicherry and Laccadive, Minicoy and Amindive Islands" shall be substituted.

[No. S.31013/2/71/LRIII.]

नई दिल्ली, 1 जुन, 1972

**का० आ०** 2188.—पी डब्ल्यू ए/धारा 14/खान/वायु परिवहन सेवाएं. मजदूरी संदाय अधिनियम, 1936 (1936 का 4) की धारा 24 के साथ पठित धारा 14 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्द्वारा भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना स० का० आ० 2112 तारीख 29 मई, 1970 में निम्नलिखित और संशोधन करती है, अर्थात :—

उक्त अधिसूचना की सारणी में,—

(i) स्तम्भ 3 में मद II के सामने "गोवा, दमण और दीव संघ राज्य क्षेत्र" शब्दों के स्थान पर "गोवा, दमण और दीव तथा दादरा और नागर हवेली संघ राज्य क्षेत्र शब्द प्रतिस्थापित किए जाएंगे ;

(ii) स्तम्भ 3 में, मद III के सामने :—

(क) "मेघालय और नागालैन्ड" शब्दों के स्थान पर "मेघालय नागालैण्ड, मनीपुर और त्रिपुरा" शब्द प्रतिस्थापित किए जाएंगे ;

(ख) "मनीपुर और त्रिपुरा संघ राज्यक्षेत्र" शब्दों के स्थान पर "मिजोरम, अरुणाचल प्रदेश संघ राज्य क्षेत्र," शब्द प्रतिस्थापित किए जाएंगे।

(iii) स्तम्भ 3 में मद 4 के सामने, "पांडीचेरी संघ राज्य क्षेत्र," शब्दों के स्थान पर "पांडीचेरी तथा लक्का-दीव, मिनिकोय और अमीनदीवी द्वीप समूह संघ राज्य क्षेत्र" शब्द प्रतिस्थापित किए जाएंगे।

[सं० एस० 31013/2/71-एल० आर० III]

*New Delhi, the 25th July 1972*

**S.O. 2189.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2) Dhanbad in the industrial dispute between the employers in relation to the State Bank of Bikaner and Jaipur and their workmen, which was received by the Central Government on the 21st July, 1972.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer

REFERENCE No 44 OF 1971.

In the matter of an industrial dispute under S.10(1) (d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the State Bank of Bikaner and Jaipur

AND

Their workmen.

APPEARANCES: .. ..

On behalf of the employers.—Shri H. C. Chhabra, Deputy Superintendent.

On behalf of workmen.—Shri V. N. Sekhri, General Secretary, All India Bank Employees' Federation.

STATE: Bihar.

INDUSTRY: *Banking.*

*Dhanbad, the 17th July 1972*

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the State Bank of Bikaner and Jaipur and their workmen, by its order No. 23/136/70/LRIII, dated 16th April, 1971 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

"Whether the action of the management of State Bank of Bikaner and Jaipur in terminating the services of Shri Suresh Mishra, Clerk with effect from the 8th July, 1970 was justified? If not, to what relief is he entitled?"

2. Workmen as well as the employers filed their statement of demands. Workmen also filed rejoinder to the statement of the employers.

3. The facts giving rise to the dispute under reference are simple and they may be stated in brief. The affected workman, Suresh Mishra was appointed as a clerk at the Patna branch of State Bank of Bikaner and Jaipur (hereinafter referred to as the employees) on 9th January, 1970 on purely temporary basis for a period of 45 days ending on 23rd February, 1970. By a letter dated 23rd February, 1970 he was again appointed as a temporary clerk-cum-godown keeper for a period of 45 days from that date. This period of 45 days ended on 9th April, 1970. On 9th April, 1970 by a letter his period of temporary service was further extended upto 24th May, 1970. On and from 24th May, 1970 no letter was issued extending further his temporary service, but he continued upto 8th July, 1970. By a letter dated 7th July, 1970 he was relieved with effect from 8th July, 1970 after the close of the working hour, stating that his temporary services were no longer required. These facts are not in dispute. Now, the case of the workmen is that termination of services of the affected workman was illegal and unjustified. The workman have pleaded several grounds in support of their contention. According to them the designation given to the affected workman as temporary employee was improper, unjustified and illegal, that his appointment exceeded a period of 3 months thereby automatically converting his employment for filling up the permanent vacancy and as such he could no more be treated as a temporary employee, that the entire period of his employment was to be taken as a probationery period and he should have been deemed to have been confirmed after completion of continuous satisfactory service of six months and that the action of the employers in treating him as a temporary employee was unfair, unjustified, arbitrary and an act of vindictiveness and unfair labour practice. The employers justified their action on the ground that the service of the affected workman was purely temporary and it was terminated after due notice. They have also taken further pleas stating that the then Agent of the branch was related to the affected workman and that the employers conducted a recruitment test for the clerical cardc in January, 1971 at which the affected workman did not appear inspite of notice. In their rejoinder the workman reasserted the pleas taken by them in the written statement and denied the pleas of the employers stated in their written statement. On admission by the empoyers, Exts. W.1 to W.7 for the workmen and on admission by the workmen,Exts. M1 to M7 for the employers were marked. On behalf of the workmen a witness was examined and the employers declined to examine any witness. The workmen were represented by Shri V. N. Sekhri, General Secretary, All India Bank Employees' Federation and the employers by Shri H. C. Chhabra, Deputy Superintendent.

4. There is no dispute that the parties are governed by the provisions of the Award of the All India Industrial Tribunal (Bank Disputes) (known as Sastry Award) as modified by the Award of the National Industrial Tribunal (Bank Disputes) (known as Desai Award) and further modified by the settlement dated 19th October, 1966 arrived at between the bank managements and their workmen (known as the bi-partite settlement). At page 63 of the bi-partite settlement there is Appendix A. containing the list of parties represented in the settlement. It shows that the employers were represented by the Indian Banks' Association and their workmen by the All India Bank Employees' Federation. Page 1, para 1.1 of the bi-partite settlement shows that the parties agreed that the provisions of the Sastry Aaward as finally modified and enacted by the Industrial Disputes (Banking Companies) Decisions Act, 1955, the Industrial Disputes (Banking Campanies) Decision Amendment Act, 1957 and the provisions of the Desai Award, which ward inter-alia modified certain provisions of the Sastry award shall govern the service condition thercin covered except to the extent that the same have been modified in the bi-partite settlement. Therefore, it follows that the present dispute, which also relates to service conditions requires to be enquired into the light of the provisions of these awards and the bipartite settlement.

5. Ext. M1 is the letter by which the employers appointed the affected workman as a clerk. It says that the appointment was purely temporary for a period of 45 days with effect from 9th January 1970 and ending on 23rd February 1970. Ext. M. 2 is a letter from the employers dated 23rd February 1970 stating that the affected workman was appointed as a temporary clerk-cum-godown keeper for a period of 45 days from that day. The period was to expire on 9th April, 1970. On 9th April 1970 the employers issued the letter, Ext. M 4 to the affected workman stating that his period of temporary service was thereby extended upto 24th May, 1970 on the same terms and conditions as mentioned in Ext. M 2. Admittedly, no

letter was issued on or after 24th May 1970 and the affected workman continued to work till 8th July 1970, after which he was relieved from service as per the letter, Ext. M 6 dated 7th July 1970. In Ext. M 6 the reason for relieving the affected workman from his temporary service was stated as his services were no longer required. The expressions "permanent employee", "probationer" and "temporary employee" are relevant for the purpose of the present dispute in view of the pleadings of parties and for definitions of these expressions we have to refer to the Sastry Award, Desai Award and the bi-partite settlement. The definitions of the expressions can be found in paragraph 508 (page 141) of the Sastry Award and they are as following:

"(a) 'permanent employee' means an employees who has been appointed as such by the bank.

(b) 'probationer' means an employee who is provisionally employed to fill a permanent vacancy or post and has not been made permanent or confirmed in service.

(c) 'temporary employee' means an employee who has been appointed for a limited period for work which is of an essentially temporary nature, or who is employed temporarily as an additional employee in connection with a temporary increase in work of a permanent nature."

Before the Desai Tribunal the Indian Banks' Association had made a demand that the definition of the expression "temporary employee" should be enlarged so as to include in it "a workman who is appointed in a temporary vacancy of a permanent workman or probationer". It was pleaded that under the existing provision banks could not employ a temporary employee as a substitute for a permanent employee who may be on leave. The Indian Banks' Association had also claimed the amendment of the definition in order to include in it a workman appointed in a temporary vacancy of a probationer. It is observed in para 21.20 (page 220) of Desai Award

"A probationer is appointed so that he may ultimately be absorbed in a permanent vacancy. The very object of employing a probationer is to train a person for filling in a permanent vacancy. The object of having probationers is not to provide supplementary staff for the purpose of doing the regular work of the banks, so that whenever a vacancy occurs in such supplementary staff, even temporarily, such vacancy should be filled in. I direct that for the purpose of this Award the expression "Temporary Employee" will mean an employee who has been appointed for a limited period for work which is of an essenntially temporary nature, or who is employed temporarily as an addtional employee in connection with the temporary increase in work of a permanent nature, and includes an employee other than a permanent employee who is appointed in a temporary vacancy of a permanent workman".

In other words in the Desai Award the meaning of the expression "temporary employee" as provided by the Sastry Award was accepted and added the clause and includes an employee other than a permanent employee who is appointed in a temporary vacancy of a permanent workman". In view of this amendment the Desai Award has re-stated the definition of the three expressions in its para 23.15, and sub-clause (c) contains definition of the expression "Temporary employee". In the bi-partite settlement the definition of the expression "temporary employee" can be found in paras 20.7 and 20.8 (pages 56 & 57) and they are as following

"20.7 In supersession of paragraph 21.20 and sub-clause (c) of paragraph 23.15 of the Desai Award, "Temporary Employee" will mean a workman who has been appointed for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional workman in connection with a temporary increase in work of a permanent nature and includes a workman other than a permanent workman who is appointed in temporary vacancy caused by the absence of a particular permanent workman.

20.8 A temporary workman may also be appointed to fill a permanent vacancy provided that such temporary appointment shall not exceed a period of three months during which the bank shall make arrangements for filling up the vacancy permanently. If such temporary workman is eventually selected for filling up the vacancy, the period of such temporary employment will be taken into account as part of his probationery period.".

It is manifest that in para 20.7 having adopted substantially the definition of the expression "Temporary Employee" as was found in the Desai Award, the bipartite settlement has added para 20.8 to include in the meaning of a "Temporary Employee" a workman who is appointed temporarily in a permanent vacancy with the condition that such temporary appointment shall not exceed a period of three months. It, therefore, follows that in view of para 1.1 of the bipartite settlement, the definitions of the expressions "Permanent employee" and "Probationer" are the same as found in the Sastry Award & Desai Award and for the expression "Temporary employee" paras 20.7 and 20.8 of the bi-partite settlement are to be followed. Parties are bound by them under Section 18 of the Industrial Disputes Act, 1947 also.

6. The plea of the workman is that the designation given by the employers to the affected workman as "temporary" was improper. Exts. M1, M2, M4 and M6 are admitted by the workmen. In all of them the affected workman is referred to as a "temporary" employee and, as such it is not open to them to deny that the affected workman was appointed and he worked from 9th January, 1970 to 8th July, 1970 purely on temporary basis. Applying the definitions provided in the Sastry and Desai Awards and keeping in view Exts. M1, M2, M4 and M6 it can not be said that the affected workman was a "permanent employee" or "probationer" appointed as a "permanent employee". He was not appointed with the object of raining him to fill a permanent vacancy or post. In the Sastry Award in para 508 (at page 141) one more expression, "part-time employee" is there under classification of employees and the expression is defined thus:—"Part-time employee" means an employee who does not or is not required to work for full period for which an employee is ordinarily required to work and who is paid on the basis that he is or may be engaged in doing work elsewhere".This definition remains unaffected by the Desai Award and by the bi-partite settlement. In view of Exts. M1, M2, M4 and M6 there is no room to contend that the affected workman was a "Part-time employee". When he was not a "Permanent employee" or "Probationer" or "Part-time employee" he must fall under the last classification, namely, "Temporary employee. Thus the contention of the workmen that the designation given by the employers to the affected workman as "Temporary" was improper, has no substance.

7. Relying upon para 20.8 of the bi-partite settlement Shri V. N. Sekhri has vehimently argued that because the temporary employment of the affected workmen in a permanent post exceeded a period of three months he automatically entered into the probationery period and all the provisions relating to a probationer became applicable to him and he also became entitled to be selected for filling up the vacancy. There is no material to infer that the affected

workman was appointed to fill a permanent vacancy. Exts. M. 1, M. 2, M. 4 and M. 6 are not to that effect. There is no document brought on record to indicate the same. Ext. W. 1 is the application of the affected workman dated 8th January, 1970 for his appointment as a clerk. In that application the affected workman had stated that he had come to know "some posts of clerks have fallen vacant." It does not mean that the affected workman was applying definitely for his appointment to fill a permanent vacancy. The affected workman is examined as W. W. 1. His evidence is that in the Patna Branch of the employers there is only one post of a despatcher, that previous to him one Om Prakash was working in that post and when he was transferred to the cash section the affected workman was appointed in his place. There is no knowing that Om Prakash was transferred permanently to the cash section and as such the post of the despatcher had become a permanent vacancy. Let me proceed assuming that the post of the despatcher had become a permanent vacancy and the affected workman was appointed to it and para 20.8 of the bi-partie sttlement is applicable to him. The para says that a temporary appointment made to fill a permanent vacancy shall not exceed the period of three months and during that period the bank should make arrangements for filling up the vacancy permanently. But it does not say that if for any reason the appointment exceeds the period of three months the incumbent automatically enters into the probationary period. The para does not say anything about the temporary employee or about any right accruing to him in case he continues in such a permanent vacancy for a period exceeding three months. There is no material to support the contention of the workmen. Shri Sekhri referred me to para 495 (page 137) of the Sastry Award. The para relates to the probationery period and states that after the expiry of the prescribed period of probation the incumbent should be deemed to have been confirmed, unless his services are dispensed with on or before expiry of the period. Shri Sekhri argued that the same analogy should be applied in case of a temporary employee m-cMeItma(mshdrlu hrld shrdlu obgkq omfwy pipn whose period of appointment exceeds three months. But if the intention of the bi-partite settlement was to that affect why was such a clerification not provided in its para 20.8 as was done as regards probationers in para 495 of the Sastry Award? Before the Sastry Tribunal several demands were putforth on behalf of the employees in connection with the method of recruitment, conditions of service, termination of employment, etc. Para 491 (page 136) of the Sastry Award shows that the employees had remanded inter alia that the period of probation should be limited to three months, that godown keepers should be made permanent after continuous service of one year, etc. If they wanted to, the employees could make a similar demand in respect of temporary employees also. But they did not choose to do it. But before the Desai Tribunal the employees did made such a demand. As can be seen from para 23.1 (page 289) of the Desai Award the fourth item of demands of the employees was as regards service conditions of temporary employees (including daily rated), probationers and part-time employees and it included in it the following demands:

> "Where daily rated and/or temporary hands remain in employment for an aggregate period of 3 months during any 12 consecutive months they shall be deemed to be probationers and shall be so covered and absorbed against permanent vacancies".
>
> "All such employees working for 3 months or more should be deemed as confirmed."

The Desai Tribunal rejected both the demands as can be seen from para 23.19 (page 296) of the Award. While admitting the findings of the Award as binding, it is not open to the workmen to contend again that because the temporary employment of the affected workmen in a permanent post exceeded, a period of three months he automatically entered into the probationary period or that all the provisions relating to a probationer became applicable to him. Terms of a settlement should be increased pretated strictly within their meaning and no analogies can be brought in to infer the intention of the parties. A plain reading of para 20.8 of the bi-partite settlement indicates that the temporary employee will continue to be in the post even after the expiry of three months as long as the employers do not choose to relieve him from service. A temporary employee is always temporary and his services can be terminated at the pleasure of the employers. In the instant case termination of service of the affected workman was a termination simpliciter and it was not for any misconduct. As such no domestic enquiry was necessary. Admittedly, no notice of termination of service was given to the affected workman. The affected workman was allowed to continue without any further communication from 24th May 1970 to 8th July 1970 and his services were terminated by Ex. M6 dated 7th July, 1970 giving him only one days' notice. In para 522 (page 145) of the Sastry Award procedure for termination of employment in cases not involving disciplinary action for misconduct, is laid down. Sub-para 4 of the para runs thus:

> "The services of only employee other than a permanent employee or probationer may be terminated, and he may leave service after 14 days' notice. If such an employee leaves service without giving such notice he shall be liable for a week's pay (including all allowances."

It is manifest that termination of services of a temporary employee is not subject to any condition, on the other hand giving of 14 days' notice on the part of such an employee is necessary and in default he loses his pay for a week. Sub-para 1 deals with termination of service of permanent empoyees and probationers and it is as following:

> "The employment of a permanent employee may be terminated by three months notice or on payment of three months' pay and allowance in lieu of notice. The services of a probationer may be terminated by one month's notice or on payment of one month's pay and allow in lieu of notice."

It can be seen that in the sub-para relating to an employee other than a permanent empoyee or probationer period of notice by the employers or payment by them of pay in lieu of notice are not mentioned. It cannot be said that it is an accidental ommission. No provision to the contrary is pointed out in the bi-partite settlement. Hence, no notice, as in the case of permanent employee or probationer was necessary for termination of services of the affected workman, who was a temporary employee.

8. On behalf of workmen pleas were taken, and evidence was lead and it was argued at length that the affected workman had appeared for written test and interview held by the employers on 22nd January 1970, that he had crossed 25 years of his age, that his services were terminated while juniors to him were retained in service etc. Similarly the employers had pleaded that the then Agent of the Branch R. L. Jha was related to the affected workman owing to which he had given extensions in temporary service to the affected workman, that the affected workman had not appeared for test held in January, 1971 etc. I consider these pleas as not relevant in view of my above discussions in terms of the Awards and the bi-partite settlement.

9. In the result, I find that the action of the management of State Bank of Bikaner and Jaipur in terminating the services of Shri Suresh Mishra, Clerk with effect from the 8th July, 1970 was justified and,

consequently he is not entitled to any relief. The award is made accordingly and submitted under S. 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal
(No. 2), Dhanbad.

[No. 23/136/70/LRII.]

*New Delhi, the 27th July* 1972

**S.O. 2190.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 24th July, 1972.

CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM-LABOUR COURT JABALPUR

PRESENT:

Mr. Justice S. N. Katju—Presiding Officer.

CASE REF. No. CGIT/LC(R) (22) OF 1972.

(Referred by Govt. Notification No. 23/67/70-LRIII dated 9th July, 1971).

PARTIES:

Employers in relation to the Central Bank of India and their workmen represented through the U.P. Bank Employees Federation, Lucknow (U.P.).

APPEARANCES:

*For Bank.*—Sri K. S. Sharma, Divisional Manager, Central Bank of India, Lucknow.

*For Workmen.*—Sri O. P. Nigam, President, U.P. Bank Employees Feeration Lucknow.

INDUSTRY: Bank. DISTRICT: Bareilly (U.P.).

AWARD

*Dated July* 15, 1972.

This is a reference under Sec. 10(1)(d) of the Industrial Disputes Act. The applicant workman, Sri R. K. Mehrotra, is a clerk in the employment of the Central Bank of India, Bareilly. He was working as a Clerk-cum-typist in the Kutubkhana Branch of the Central Bank of India, Bareilly uptil March 7, 1970 when he was transferred to the Shyamgunj Branch of the Bank which is also at Bareilly in the same capacity. The workman has challenged his transfer from the Kutubkhana Branch of the Bank to the Shyamgunj Branch on the ground that the transfer was, inter alia, in breach of the terms of the Sastri Award and was prompted by malafide considerations. It appears that there are two rival Unions in the Central Bank of India, Bareilly. The Union which is recognised is the U.P. Bank Employees Union. The other rival Union is the U.P. Bank Employees Federation. The workman is the Vice President of the U.P. Bank Employees Federation. He has contended that he had been pointing out irregularities which had been committed in the Kutubkhana Branch of the Bank to the Bank authorities and this had annoyed the rival Union as also the Bank authorities and with a view to victimize him and to weaken the Federation he was transferred from the Kutubkhana Branch fo the Bank to the Shyamgunj Branch.

2. A preliminary objection was raised by the management that there is no dispute between the workman and the management within the meaning of the Industrial Disputes Act. This question was considered by the Tribunal by its order dated 10th January 1971 and it held that the dispute raised by the Federation on behalf of the workman was "clearly an industrial dispute" and "the Government of India was, therefore, fully competent to refer the dispute to this Tribunal and this Tribunal has jurisdiction to adjudicate upon this dispute." I therefore need not go further into the aforesaid question.

3. The question for consideration before me is:—

"Whether the action of the management of the Central Bank of India in transferring Shri R. K. Mehrotra, Clerk from Kutubkhana Branch, Bareilly to Shyamgunj Branch, Bareilly with effect from the 7th March, 1970 was justified? If not, to what relief is he entitled?"

4. It was conceded on behalf of the workman that a local transfer *viz.*, a transfer from the Kutubkhana Branch of the Bank at Bareilly to its Shyamgunj Branch at Bareilly, could be made without any change in the conditions of service. It was, however, contended that the transfer was not bonafide and it could have been avoided. It was further alleged that there were many experienced officers in the Kutubkhana Branch who, apart from the workman, could have been sent to the Shyamgunj Branch. It was also alleged that the U.P. Bank Employees Fedcration of which the workman is a Vice President is a registered body and five days notice under the Sastri Award for transfer of the workman from the Kutubkhana Branch to the Shyamgunj Branch should have been given to him before his aforesaid transfer from the Kutubkhana Branch to the Shyamgunj Branch.

5. The management of the employee Bank has undoubtedly a power to transfer its employee if there is nothing to the contrary in the terms of the employment and such a power could be exercised, as in the present case, if the transfer from one Branch of the Bank in Bareilly city to its another Branch in the same city was bonafide. As mentioned above, it was conceded on behalf of the workman that the transfer could be made without any change in the conditions of service. It is, therefore, clear that the management had the power to transfer the workman from its Kutubkhana Branch to the Shyamgunj Branch.

6. Reliance has been placed on behalf of the worker on the provisions of para 535 of the Sastri Award. It is contended that the transfer of the worker was in violation of the aforesaid provisions of the Sastri Award. Para 535 of the Sastri runs this:—

(1) Every registered bank employees' union from time to time, shall furnish the bank with the names of the President, Vice President and the Secretaries of the Union;

(2) Except in very special cases, whenever the transfer of any of the above mentioned office bearers is contemplated, at least five clear working days' notice should be put up on the notice boards of the bank of such contemplated action;

(3) Any representations, written or oral, made by the union shall be considered by the bank;

(4) If any order of transfer is ultimately made, a record shall be made by the bank of such representations and the bank's reasons for regarding them as inadequate; and

(5) The decision shall be communicated to the union as well as to the employee concerned.

Sub-paras (1) and (2) make it clear that the aforesaid provisions apply only in case of transfer of the President, Vice President and Secretaries of a registered union and when any of the aforesaid persons are subjected to transfer five clear working days notice has to be put up on the Notice Board of the Bank of the contemplated transfer. The workman in

the present case was an office bearer of a registered union. But the union of which he was an office bearer was not a recognised union. The expression "every registered bank employees union" in sub-para (1) in my opinion refers to a registered union which is recognised by the Bank. If there are a number of unions in a Bank of which only one has been recognised by the Bank then it is only with regard to such recognised registered union that the provisions of para 535 of the Sastri Award will apply. The information contemplated by sub-para (1) can only be taken cognisance of by a Bank if the union is recognised by it. Under these circumstances, it cannot be said that the transfer of the worker in the present case was governed by the provisions of the aforesaid paragraph of the Shastri Award. Even though it is not necessary to go further into the matter I may add that in my view the transfer as contemplated by the aforesaid paragraph implies a transfer from one city to another and will not govern intersectional transfers in a branch of a Bank in a city or from one branch of the Bank in a city to another branch in the same city. Such local transfers are in my opinion beyond the ambit of the aforesaid provisions of the Sastri Award.

7. Some cases have been cited on behalf of the worker. None of them deal with the case of a transfer of a Bank employee nor do they refer to para 535 of the Sastri Award. It is, therefore, not necessary to deal with the aforesaid cases.

8. It has, however, to be seen whether the management in making the transfer acted bonafide and in the interest of its business and was not actuated by any indirect motive, its action was not malafide and the transfer was not made with a view to harass and victimise the workman. The workman, Sri R. K. Mehrotra, and Sri K. S. Sharma who was at the material time the Agent of the Bank at Bareilly have been examined. The workman has produced copies of certain letters which according to him were sent by him to the Agent of the Bank at Bareilly and in which he had pointed out certain irregularities of the Bank. The aforesaid documents were not admitted by the management and the workman did not take steps to summon the originals of the aforesaid documents from the management. Mr. K. S. Sharma has, however, admitted that he had received some representations from the workman in which certain irregularities of the Bank had been mentioned. It may, therefore, be taken as a fact that the workman had sent some letters to the Agent of the Bank at Bareilly in which he had pointed out certain irregularities which according to him had been committed by the Bareilly Branch. Mr. K. S. Sharma while he has admitted the receipt of the aforesaid letters of the workman has categorically stated that the transfer of the workman from the Kutubkhana Branch to the Shyamgunj Branch was not prompted by any malafide consideration and the workman was transferred to the Shyamgunj Branch under instructions from the Chief Agent. He stated that the Chief Agent visited Bareilly and matters relating to the staff were put before him and after discussions the Chief Agent instructed the Agent to transfer Sri Mehrota to the Shyamgunj Branch. Mr. Sharma has stated in his examination-in-chief that the Shyamgunj Branch was opened in December 1969 with a skeleton staff in the beginning and the transfer of Sri Mehrota was made to meet the exigencies of the situation in the Shyamgunj Branch.

9. Admittedly, there were rival Unions in the Bank at Bareilly and under the circumstances the workman might have got the impression that his transfer had been brought about either by pressure put on the management by the rival Union or the management wanted to victimize him for his criticism of the affairs of the Bank. There is, however, nothing to substantiate the allegation that the workman's transfer was prompted by malafide considerations. I see no reason to disbelieve the categorical assertion made by Sri K. S. Sharma that the transfer of the workman was not prompted by any malafide considerations.

10. My award therefore is that the action of the management of the Central Bank of India in transferring Sri R. K. Mehrotra, Clerk, from the Kutubkhana Branch to the Shyamgunj Branch at Bareilly with effect from 7th March 1970 was justified and the workman is not entitled to any relief.

(Sd) S. N. KATJU,
Presiding Officer.

[No. 23/67/70/LRIII.]

*New Delhi, the 2nd August* 1972

**S.O. 2191.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad in the industrial dispute between the employers in relation to the State Bank of Bikaner and Jaipur and their workmen, which was received by the Central Government on the 29th July, 1972.

S. S. SAHASRANAMAN, Under Secy.

[No. 23/135/70/LRIII.]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE No. 34 OF 1971.

In the matter of an industrial dispute under S.10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the State Bank of Bikaner and Jaipur,

AND

Their workmen.

APPEARANCES:

*On behalf of the employers.*—Shri H. C. Chhabra, Deputy Superintendent.

*On behalf of the workmen.*—Shri V. N. Sekhri, General Secretary, All India Bank Employees Federation.

STATE: Bihar. INDUSTRY: Banking.

*Dhanbad, the 24th July, 1972/2nd Sravana, 1894 (Saka)*

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the State Bank of Bikaner and Jaipur and their workmen, by its order No. 23/135/70/LRIII, dated 1st March, 1971 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the action of the management of State Bank of Bikaner and Jaipur, Patna in terminating the services of Shri R. C. Jha, Godown keeper with effect from the 29th September, 1970 was justified? If not, to what relief is he entitled?"

2. Parties filed their statement of demands. Workmen filed their rejoinder also to the statement of the employers.

3. The State Bank of Bikaner and Jaipur has a branch at Patna. R. C. Jha, the affected workman was appointed at the Patna Branch of the Bank on 8th January, 1969 as a godown keeper and his services were terminated with effect from 29th September, 1970. These facts are not in dispute. The case of the workmen is that after serving continuously for 15

months the affected workman approached the management with a request to make him permanent and, when his request was rejected he renewed the request after 3 months. Within a few days of this the management issued a letter on 7th August, 1970 asking him to produce his original matriculation certificate. In reply the affected workman stated that the certificate was lost and he had applied to the Bihar School Examination Board to issue him a duplicate copy of the same. The management again issued a letter on 14th September, 1970 stating that because the affected workman was not producing the original certificate for their verification inspite of several reminders and also because he did not fulfill the prescribed conditions of the bank, his services were no longer required with effect from 29th September, 1970. The affected workman wrote again to the management on 23rd September, 1970 stating that he had again reminded the Bihar School Examination Board to grant him the duplicate certificate and further stating that he would produce the certificate as soon as he received it. In the letter he made a request to the management to reconsider the decision to terminate his services. On 24th September, 1970 the management by a letter rejected the request. Then the Bihar Provincial Bank Employees Federation took up the cause of the affected workman and submitted a complaint to the Assistant Labour Commissioner Patna dated 25th September, 1970. The Assistant Labour Commissioner by his letter dated 26th September, 1970 called the parties for conciliation meeting to be held on 5th October, 1970 and asked the bank to maintain *status quo* during the period of conciliation. But the bank disregarded the direction of the Assistant Labour Commissioner and terminated the services of the affected workman with effect from 29th September, 1970. The workmen pleaded that the termination of services of the affected workman was against the provisions of the Sastry Award as modified by the Desai Award and the bipartite settlement which are binding on the parties. They also pleaded that the termination violated S.33 of the Industrial Disputes Act, 1947. According to the workmen the termination of services of the affected workman was vindictive and illegal. In the statement filed by them the bank pleaded that the affected workman was appointed as a temporary godown keeper to look after the godown of M/S Magadh Steel Products, Patna and his entire salary was recovered from them each month till his services were terminated. The bank further pleaded that the then Agent of the Patna branch had not intimated the head office about the temporary appointment of the affected workman, that the fact of the appointment came to the notice of the head office in December, 1969 during an inspection of the branch, that as per the rules of appointment of the bank the candidate to be appointed should be within the age limit of 18 to 21 years and he should have passed High School/Higher Secondary Examination in 1st Division and to verify these facts the affected workman was directed to produce the original matriculation certificate and that, as he did not produce the certificate inspite of several reminders his services were terminated after giving him the necessary notice. In the rejoinder, after reiterating the pleas taken by them in their earlier statement the workmen have pointed out that although in the appointment letter issued by the bank to the affected workman he was asked to look after godown of M/S Magadh Steel Products, Patna, but in fact he was allotted other godowns belonging to different borrowers, that it was well within the knowledge of the head office of the bank that the affected workman was appointed as a godown keeper to look after godowns of various borrowers and that since the affected workman had worked for more than 20 months without any break in service looking after the godown of the bank belonging to several borrowers he should have been absorbed in the permanent employment as per the provisions laid down in the Sastry Award and bipartite settlement. It is also mentioned that the affected workman did inform the bank through his application that he was a matriculate. The workmen were represented by Shri V. N. Shekri, General Secretary, All India Bank Employees Federation and the bank by Shri H. C. Chhabra, Deputy Superintendent. On admission by the bank Exts. W.1 to W.20 for the workmen and on admission by the workmen Exts. M1 to M5 and M12 and M13 for the bank were marked. The workmen did not choose to examine any witness. On behalf of the bank 2 witnesses were examined and Exts. M6 to M11 were marked.

4. In their statement the workmen have simply stated that the affected workman was appointed a godown keeper with effect from 8th January, 1969 and he was continuously in service till his services were terminated on 29th September, 1970. But according to the bank the appointment of the affected workman was temporary. In the rejoinder the workmen have denied the contention of the bank. Ext. M2 is a memorandum dated 7th January, 1969 stating that the affected workman was appointed in the bank as a godown keeper at the godown/factory premises of M/S Magadh Steel Products "purely on a temporary basis from 8th January, 1959" and that "the services of Shri Ramchandra Jha (the affected workman) being purely temporary will be terminated when the said godown/factory account is closed without any notice whatsoever. The bank also reserves itself the right to terminate the services of Sri Ramchandra Jha (the affected workman) before such an eventuality by serving a notice on him." As I have already pointed out, Ext. M2 is marked on admission by the workmen. Further, it is annexure II to their own document, Ext. W.14. Now it is not open to the workmen to deny or ignore that the appointment of the affected workman from 8th January, 1969 to 29th September, 1970 was a temporary godown keeper. In para 2 of their rejoinder the workmen have pointed out that although in the appointment letter, Ext. M2 the affected workman was asked to look after "the godown of M/S Magadh Steel Products, Patna but in fact he was allotted other godowns belonging to different borrowers including the following godowns". The names of 10 borrowing concerns are mentioned. In paragraph 3 of the rejoinder again it is repeated "it is well within the knowledge of the head office of the bank at Jaipur that the workman (the affected workman) was appointed as godown keeper to look after the godowns of various borrowers whose borrowing limits are generally sanctioned by the head office of the bank". No witness was examined on behalf of the workmen, but the workmen have elicited from MW.1 in the cross-examination that the affected workman had handled godowns of concerns other than M/S Magadh Steel Products and that the witness could not deny that the affected workman had handled godowns of 9 other parties mentioned in para 2 of the rejoinder of the workmen. Therefore, it emerges that the affected workman was appointed temporarily to look after godowns belonging not to the bank but belonging to borrowing parties. It appears that in large cities banks maintain their own godowns for storing goods belonging to the parties to whom advances are made against the goods and in some other places borrowing parties maintain their own godowns in which they store the goods against which banks advance loans. Godown keepers are appointed by the banks in respect of both these categories of godowns. In the case of godowns belonging to the second category salary of the godown keeper is collected from the concerned borrowing party and paid to the godown keeper while in the case of the first category the salary is paid by the bank itself. There are two Awards and one bi-partite settlement which govern service conditions of bank employees and they are (1) Sastry Award, (2) Desai Award and (3) Bi-partite settlement arrived at between the bank managements and their workmen. Certain provisions of the Sastry Award are amended by the Desai Award and certain provisions of both the Awards by the Bi-partite settlement. As shown in para 1.1 of the bipartite settlement, parties agreed that the provisions of the two Awards

govern the service conditions of the bank employees, except to the extent that they are modified by the bi-partite settlement. Para 499 of the Sastry Award is as following:

"With regard to godown keepers the workmen demand that they should be made permanent after continuous service of one year or total service of two years if there is a break. We understand that godown keepers can be classified into two categories: (1) those in charge of godowns maintained by banks generally in large cities for storing goods belonging to several parties to whom advances are made, (2) those who are required to look after one or more godowns belonging generally to one party to whom advances are made ordinarily for short periods against goods store in the borrower's godowns, such as in the case of godowns of sugar mills, ginning factories, grain merchants etc. In the case of godown keepers coming under the first category we direct that the period of temporary service should not exceed one year, after the expiry of which they should be placed on the permanent list unless the vacancy itself is a temporary one. In the case of persons coming under the second category whose work is of a temporary nature and whose salary and allowances are generally borne by the parties who are owners of the goods in the godowns, we do not think it proper to insist upon their confirmation even after the expiry of any definite period, particularly as we understand that their emoluments and service conditions in actual practice are not generally different from those of the permanent employees. We however recommend that as far as possible such godown keepers whose work is found to be satisfactory and whose services can be utilized to look after other godowns in the same place or a place hereby or in the clerical establishment of the banks should be made permanent after the expiry of one year".

It follows from the above that a temporary godown keeper who is appointed to look after the godowns maintained by the banks in which goods of the borrowing parties are stored and whose salary is paid by the bank, should be placed on a permanent list after expiry of his temporary service of one year and regarding the other category of godown keepers the award has made only a recommendation for their absorption in permanent service if they are qualified etc. On their owing showing the affected workman was looking after godowns belonging to the borrowing parties and not those maintained by the bank. He cannot fall under the first category and as such, he cannot demand that after he had completed one year of temporary service he ought to have been placed on the permanent list. Even if he belonged to the second category the bank cannot be compelled to confirm his service and take him on the list of permanent employees. Provisions of para 499 of the Sastry Award have not been affected by the Desai Award or by the bi-partite settlement and as such, in view of para 1.1 of the bi-partite settlement they are binding on the parties. Hence, the affected workman has no case as a temporary godown keeper. It is argued that prior to 8th January 1969 also the affected workman worked in the service of the bank. In their written statement the bank has pointed out that the affected workman was in the service of the bank from May 1968 to August, 1968 as a temporary godown keeper to look after seasonal advances made by the bank at Patwa and Khusrupur. Ext. M1 is the letter of appointment of the affected workman as a temporary godown keeper from 1st May, 1968. From the complaint to the Assistant Labour Commissioner, Ext. W.14 it appears that the affected workman had claimed as having worked from 16th December, 1967 to 31st August, 1968 as a godown keeper. But this service has no relevancy, because it was only for a period of about 8 months and there was a gap in his service from 31st August, 1968 to 8th January, 1969.

5. Let me consider the case of the affected workman as a simple temporary bank employee whose services are terminated after continuous service of 20 months without any charge-sheet or domestic enquiry. According to paragraph 508 of the Sastry Award there are four categories of employees in banks, permanent employee, probationer, temporary employee and part-time employee. It is not the case of the workmen that the affected workman was a permanent employee, probationer or a part-time employee either according to the provisions of the Sastry Award, Desai Award or the bi-partite settlement. Relying upon para 20.8 of the bi-partite settlement Shri V. N. Sekhri has vehimently argued that because the temporary employment of the affected workman in a permanent post exceeded a period of three months he automatically entered into the probationary period and all provisions relating to a probationer became applicable to him and he also became entitled to be selected for filling up the vacancy. I am referred to the evidence of MW.1 who has conceded that the post of godown keeper to which the affected workman was appointed was a regular and a permanent post. Paragraph 20.8 of the bi-partite settlement is as following:

"20.8. A temporary workman may also be appointed to fill a permanent vacancy provided that such temporary appointment shall not exceed a period of three months during which the bank shall make arrangements for filling up the vacancy permanently. If such a temporary workman is eventually selected for filling up the vacancy, the period of such temporary employment will be taken into account as part of his probationary period."

The para does not say that if for any reason the appointment exceeds the period of three months the temporary employee automatically enters into the probationary period. The para does not say anything about the temporary employee or about any right accruing to him in case he continues in such a permanent vacancy for a period exceeding three months. Shri Sekhri referred me to para 495 of the Sastry Award, but the para relates to the probationery period and states that after the expiry of the prescribed period of probation the incumbent should be deemed to have been confirmed, unless his services are dispensed with on or before expiry of the period. Shri Sekhri argued that the same analogy should be applied in case of a temporary employee whose period of appointment exceeds three months. But if the intention of the bi-partite settlement was to that effect why was such a clarification not provided in its para 20.8, as was done as regards probationers in para 495 of the Sastry Award? Before the Sastry Tribunal several demands were put forth on behalf of the employees in connection with the method of recruitment, conditions of service, termination of employment etc. Para 492 of the Sastry Award shows that the employees had demanded inter alia that the period of probation should be limited to three months, that godown keepers should be made permanent after continuous service of one year, etc. If they wanted to, the employees could make a similar demand in respect of temporary employees also. But they did not choose to do it. But before the Desai Tribunal the employees did make such a demand. As can be seen from para 23.1 of the Desai Award that the fourth item of demands of the employees was as regards service conditions of temporary employees (including daily rated), probationers and part-time employees and it included in it the following demands:—

"Where daily rated and/on temporary hands remain in employment for an aggregate period of 3 months during any 12 consecutive months they shall be deemed to be probationers and shall be so covered and absorbed against permanent vacancies".

"All such employees working for 3 months or more should be deemed as confirmed."

Desai Tribunal rejected both the demands, as can be seen from para 23.19 of the award. While admitting the findings of the Award as binding, it is not open to the workmen to contend again that because the temporary employment of the affected workman in a permanent post exceeded a period of three months he automatically entered into the probationery period or that all the provisions relating to a probationer became applicable to him. Terms of a settlement should be interpretated strictly within their meaning and no analogies can be brought in to infer the intention of the settlement. A plain reading of para 20.8 of the bipartite settlement indicates that the temporary employee will continue to be in the post even after the expiry of three months as long as the employers do not choose to relieve him from service. A temporary employee is always temporary and his services can be terminated at the pleasure of the employers. In the instant case the termination of services of the affected workman was not for a misconduct and as such no departmental enquiry was called for. Terminating the services for nonproduction of the matriculation certificate for verification cannot be termed as a misconduct. In para 522 of the Sastry Award procedure for termination of employment in cases not involving disciplinary action for misconduct, is laid down. Sub-para 4 of the para runs thus:

"The services of any employee other than a permanent employee or probationer may be terminated, and he may leave service after 14 days notice. If such an employee leaves service without giving such notice he shall be liable for a week's pay (including all allowances."

This provision of the Sastry Award remains unaltered under the Desai Award and the bi-partite settlement. Item 16 referred to the Desai Tribunal was as regards procedure for termination of employment and taking other disciplinary action. As pointed out in para 18.6 of the Desai Award, the All Inda Bank Employees Federation, the same Federation which is now pleading the cause of the affected workman, had made a specific demand before the Desai Tribunal that services of an employee should not be terminated at all except when he is found guilty of embazzlement or misconduct or when there is a case for *bona fide* retrenchment. But the Tribunal in its para 18.17 has observed that any dispute relating to the termination of employment otherwise then by way of disciplinary action was not covered by the item referred to the Tribunal for adjudication. It is observed "the workmen's claim, as amplified before me, was to the effect that there should be no termination of employment at all otherwise than by way of disciplinary action. Such a *claim is not a claim relating to procedure for termination* of employment, even if the words 'termination of employment' were wide enough in the context in which they are used, to cover cases of termination of employment otherwise than by way of disciplinary action, contrary to what I have held above."

There is no provision in the bi-partite settlement affecting paragraph 522 of the Sastry Award or para 18.17 of the Desai Award and as such, sub-para (4) of paragraph 522 of the Sastry Award is binding on the parties and it does not permit any anology. Consequently, in this view also I find no case for the affected workman.

6. On behalf of the workmen it was pleaded that the termination of services of the affected workman with effect from 29th September, 1970 had contravened provisions of Sec. 33 of the Industrial Disputes Act, 1947 inasmuch as on that date the conciliation proceedings before the conciliation officer in respect of the apprehended termination of service of the affected workman was pending. As pointed out by me earlier, the bank called upon the affected workman through their letter, Ext. M3 dated 7th August, 1970 to produce his original educational certificate for verification and for sending the same to the head office. The affected workman replied that his original matriculation certificate was lost and he had applied for a duplicate certificate. On 14th September, 1970 the bank issued another letter, Ext. M4 to the affected workman stating that he was not producing the original certificate and he did not fulfill the prescribed conditions of the bank and as such his services were no more required with effect from 29th September 1970. On 23rd September, 1970 the affected workman asked the bank for further time and the request was rejected by the bank on 24th September, 1970. Then the Bihar Provincial Bank Employees Federation submitted a complaint to the Assistant Labour Commissioner (C), Patna on 25th September, 1970, Ext. W.14 on which the Assistant Labour Commissioner issued a notice to the parties on 26th September, 1970, Ext. W.15 informing them that "I shall hold joint discussions and if necessary, conciliation proceedings under S. 12 of the Industrial Disputes Act, 1947 in the above mentioned dispute at 10.30 A.M. on 5th October, 1970 in my office" and that the parties should attend. Paras 2 & 3 of the letter were as following—

"2. In this connection your attention is invited to the obligations imposed by Section 22(1)(d) (for workmen), Section 22(2)(d) (for employer) and Section 33 (for employer) of the Industrial Disputes Act, 1947.

3. A copy of union's letter No. 330/70, dated 25th September 1970 is enclosed for management's comments in six copies at an early date. The management is further requested to maintain status quo till the dispute is decided by this office."

It is contended on behalf of the bank that the order of termination of service of the affected workman was passed on 14th September, 1970 by the letter, Ext. M4 and thereafter they did not do any act in this regard and as such the order of terminantion should not be deemed as passed after 25th September, 1970 and during the conciliation proceeding. On behalf of the bank it is further argued that even the request of the affected workman for time to produce the original certificate or its duplicate was also rejected by the letter dated 24th September, 1970, annexure 7 of Ext. W.14 before the complaint, Ext. W14 was submitted to the Assistant Labour Commissioner on 25th September, 1970. I find force in the argument of the bank. That apart, S.20 of the Industrial Disputes Act, 1947 deals with the commencement and conclusion of a conciliation proceeding. The Section says:

"A conciliation proceeding shall be deemed to have commenced on the date on which a notice of strike or lock out under S.22 is received by the Conciliation Officer or on the date of the order referring the dispute to a Board as the case may be."

Section 22 speaks about the notice to be given in a Public Utility service regarding strike or lock out. Banking industry is a Public Utility Service, its nature as such is further extended for a period of six months from the 29th December, 1968 as per the notification appearing in the Gazette of India, Part II, Section (ii) dated the 21st December, 1968. It is argued that the period is being extended from six months to six months and even today banking industry is a Public Utility Service. No material to the contra is produced before me. In the instant case no such notice of strike or lock out was issued in order to compute the period of commencement of the conciliation proceeding. Consequently, the direction of the Assistant Labour Commissioner to the management of the bank to maintain status quo is of no effect. Section 20 does not speak

about a conciliation proceeding in respect of a Non-Public Utility Service. The letter of the conciliation officer, Ext. W.15 starts thus:

> "This is to inform you that I shall hold joint discussions and if necessary conciliation proceeding under S.12 of the Industrial Disputes Act, 1947 in the above mentioned dispute at 10.30 A.M. on 5th October, 1970."

It means that the conciliation proceeding, if necessary was to start on 5th October, 1970 and it had not started on 26th September, 1970 and they were not pending on 29th September, 1970 from which date the services of the affected workman stand terminated. Even if it is deemed that the banking industry was a Non-Public Utility Service it cannot be said, in view of the above circumstances that the conciliation proceeding was pending on 29th September, 1970, from which date the services of the affected workman stand terminated. In East Asiatic and Allied Companies Limited v. B. L. Shelke (1961-1-L.L.J 162) the Bombay High Court took the view that—

> "It was the duty of the conciliation officer to satisfy himself before undertaking conciliation proceeding as to whether the grievances, which the union had put forward, were genuine or not. Now, since the law confers a discretion upon the conciliation officer whether he should enter upon conciliation or not, it is only right and proper that he should satisfy himself by all means available to him about the propriety of undertaking conciliation."

The discretion referred to, as regards the dispute relating to a Non Public Utility Service is vested in the conciliation officer under S.12 of the Industrial Disputes Act, 1947. If, therefore, for satisfying himself in this respect, he holds priliminary discussion with the representatives of the parties and even conveys proposals made by one of the parties to the other, it could not be said that he has commenced conciliation proceeding. He could do so to satisfy himself as to whether there is any genuine dispute and whether it is a matter in which he should undertake conciliation. No authority is cited to the contra. In this view I do not find any substance in the contention of the workmen that the termination of services of the affected workman was hit by S. 33 of the Industrial Disputes Act, 1947.

7. I also do not find any substance in the allegation of the workmen that termination of services of the affected workman was vindictive. Except that the bank called upon the affected workman to produce in original his educational qualification certificate and on non-production of the same terminated his services, no other allegation is made to show vindictiveness on the part of the bank. I do not propose to go into the rules of the bank relating to the appointment of their employees. It is an admitted position that on his application the affected workman was appointed as a temporary godown keeper. Ext. W19 is an application dated 10th December, 1967 from the affected workman to the agent of the bank for his appointment as a godown keeper. In para 1 he has shown that he has passed the matriculation examination from the Bihar School Examination Board, Patna in the year 1961 and in para 2 he has pointed out his date of birth as 2nd January, 1944. Ext. W20 is another application of the affected workman dated 2nd January, 1969 to the agent of the bank for his appointment as a godown keeper. In this also he had stated that he had passed the matriculation examination from the Bihar School Examination Board, Patna in the year 1961 and that his date of birth was 2nd January, 1944. Contents of the identity slip, Ext. M5 of the affected workman are also to the same effect. Whatever be the reason, the bank called upon the affected workman to produce his original matriculation certificate for verification by their letter dated 7th August, 1970, Ext. M3. The affected workman replied on 10th August, 1970 that he had lost the original matriculation certificate and he had applied to the Bihar School Examination Board to issue him a duplicate and that as soon as he received it he would produce the same. His subsequent letters to the bank are also to the same effect that he would produce the duplicate certificate as soon as he received it. But he did not produce it at any time, not even during the conciliation proceeding. To this date also the workmen did not choose to produce it before the tribunal. Ext. M12 and Ext. M13 are copies of letters addressed by the affected workman to the Secretary, Bihar School Examination Board, Patna respectively on 9th August, 1970 and 23rd September, 1970. Through these letters the affected workman requested the Secretary of the Board to issue him a duplicate certificate. In these letters he had only mentioned that he had passed the matriculation examination in the year 1961 and no other particulars. Shri Chhabra, the representative of the bank has pointed out that it could not be possible for the Secretary of the Board to verify the correctness of the statement of the affected workman and issue the duplicate certificate because the affected workman had not mentioned even his roll number. Even if the affected workman had produced before the agent of the bank the original matriculation certificate at any time earlier, it cannot be argued that he was not bound to produce it again or if the bank called upon him to produce it again it was due to vindictiveness. Regarding requests made by the affected workman to make him permanent and the bank rejecting the same, there is absolutely no evidence on record. In this view of the matter I find no force in the allegation.

8. In the result, I find that the action of the State Bank of Bikaner and Jaipur, Patna in terminating the services of Shri R. C. Jha, godown keeper with effect from the 29th September, 1970 was justified and, consequently, he is not entitled to any relief. The award is made accordingly and submitted under S.15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer.

[No. 23/135/70/LRIII.]

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## ORDERS

*New Delhi, the 24th February, 1972*

**S.O. 2192.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bank of Baroda and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Aftab Ahmed shall be the Presiding Officer, with headquarters at Kanpur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

> "Whether the action of the management of the Bank of Baroda in dismissing Shri J. L. Mehrotra from service with effect from the 1st October, 1956 was justified? If not, to what relief is he entitled?"

[No. L-12012/106/71-LR.III.]

आदेश

नई दिल्ली, 24 फरवरी 1972

**का० आ० 2192.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में बैंक आफ बड़ौदा के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री आफताब अहमद होंगे जिनका मुख्यालय कानपुर होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

क्या बैंक आफ बड़ौदा के प्रबन्ध मण्डल की श्री जे० एल० महरोतरा को पहली अक्तूबर, 1956 से सेवाएं समाप्त करने की कार्यवाही न्यायोचित थी ? यदि नहीं तो वह किस अनुतोष का हकदार है ?

[सं० एल०-12012/106/71-एल० आर० III]

*New Delhi, the 28th February, 1972*

**S.O. 2193.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bank of Rajasthan Limited, Indore, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of the Bank of Rajasthan Limited, Indore, in terminating the services of Shri Nareshkumar Shukla, Peon, with effect from the 19th August, 1971, was justified? If not, to what relief is he entitled?"

[No. L-12012/4/72-LR.III.]

नई दिल्ली, 28 फरवरी, 1972

**का० आ० 2193.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में बैंक आफ राजस्थान लिमिटेड, इन्दौर से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

"क्या बैंक आफ राजस्थान लिमिटेड, इन्दौर के प्रबन्ध मण्डल की श्री नरेश कुमार शुक्ला, चपरासी की सेवाएं 19 अगस्त 1971 से समाप्त करने की कार्यवाही न्यायोचित थी ? यदि नहीं तो वह किस अनुतोष का हकदार है ?"

[सं० एल० 12012/4/72-एल० आर० III]

*New Delhi, the 10th May 1972*

**S.O. 2194.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the National and Grindlays Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, (No. 2), Bombay constituted under section 7A of the said Act.

SCHEDULE

"Whether the duties of Sarvashri D. C. D'Souza and A. V. Pendurkar, Air Conditioning Helpers of National and Grindlays Bank Limited, Bombay would entitle them to be equated to the duties of the Air Conditioning Plant Helpers, specified in item (x) of Part II of Appendix B of the Settlement arrived at between the managements of certain banks and their workmen on the 19th October, 1966 and as such make them eligible for the special allowance."

[No. L.12012/17/72/LRIII.]

नई दिल्ली, 10 मई, 1972

**का० आ० 2194.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में नेशनल एण्ड ग्रिन्डलेज बैंक लिमिटेड से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः, केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 2) मुम्बई को न्यायनिर्णयन के लिए निदेशित करती है ।

अनुसूची

"क्या सर्वश्री डी० सी० डी० सूजा और ए० बी० पेन्डूरकर नेशनल एण्ड ग्रिन्डलेज़ बैंक लिमिटेड, मुम्बई के वातानुकूलन सहायकों के कर्तव्य उन्हें इस बात का हकदार बनाएंगे कि उनके कर्तव्य 19 अक्टूबर, 1966 को कतिपय बैंकों और उनके कर्मकारों के बीच हुए समझौतों के उपाबन्ध ख के भाग 2 की मद (10) में विनिर्दिष्ट वातानुकूलन संयंत्र सहायकों के कर्त्तव्यों के सामने हैं और इस प्रकार उन्हें विशेष भत्ते के लिए पात्र बनाते हैं।"

[सं० एल०12012/17/72-एल०आर० III]

**S.O. 2195.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the State Bank of India and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of the State Bank of India, [illegible] tests and recruiting clerks-*cum*-typists/clerk-*cum*-stenos between May and November, 1971 without notifying the vacancies on the Bank's Notice Board, is justified? If not, what should be the procedure to be adopted by the Bank to get the vacancies filled afresh?"

[No. L.12011/1/72/LRIII.]

**का० आ० 2195.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में स्टेट बैंक आफ इन्डिया से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या स्टेट बैंक आफ इन्डिया, कलकत्ता की बैंक के सूचना पट्ट पर रिक्तियां अधिसूचित किए बिना मई और नवम्बर, 1971 के बीच लिपिक-एवं-टाइपिस्टों/लिपिक-एवं-आशुलेखकों के परीक्षण लेने और भर्ती करने की कार्यवाही न्यायोचित है। यदि नहीं, तो रिक्तियां नए सिरे से भरी जाने के लिए बैंक द्वारा कौनसी प्रक्रिया अपनायी जानी चाहिए ?"

[सं० एल० 12011/1/72/एल० आर० III]

**S.O. 2196.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the State Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of the State Bank of India, Patna in terminating the services of Shri Surendra Mishra, Watchman with effect from the 11th October, 1971 is justified? If not, to what relief is he entitled?"

[No. L.12012/9/72/LRIII.]

**का० आ० 2196.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में स्टेट बैंक आफ इन्डिया से सम्बद्ध नियोजकों और उन कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 3) धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या स्टेट बैंक आफ इन्डिया, पटना के प्रबन्ध मण्डल की श्री सुरेन्द्र मिश्रा, चौकिदार की सेवाएं 11 अक्तूबर, 1971 से समाप्त करने की कार्यवाही न्यायोचित है। यदि नही, तो वह किस अनुतोष का हकदार है।

[सं० एल० 12012/9/72-एल० आर० III]

*New Delhi, the 12th May* 1972

**S.O. 2197.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Indian Airlines and their workman in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri P. S. Ananth shall

be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of the Indian Airlines, in terminating the services of Shri B. Krishna Dev Singh, Junior Traffic Assistant, Hyderabad, with effect from the 14th April, 1969, was justified? If not, to what relief is the workman entitled?

[No. L.11011/3/72/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, 12 मई, 1972

**का० आ०** 2197.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में इण्डियन एयर लाइन्स से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री पी० एस० अनन्थ होंगे जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

क्या इण्डियन एयर लाइन्स के प्रबन्धमण्डल की श्री बी० कृष्ण देव सिंह, कनिष्ठ यातायात सहायक, हैदराबाद, की सेवाएं 14 अप्रैल, 1969 से समाप्त कर देने की कार्यवाही न्यायोचित है ? यदि नहीं तो वह कर्मकार किस अनुतोष का हकदार है ?

[सं० एल० 11011/3/72/एल० आर० III]

एस० एस० सहस्रानामन,
अवर सचिव ।

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**(Department of Labour and Employment)**

*New Delhi, the 31st May 1972*

**S.O. 2198.**—In exercise of the powers conferred by sub-section (3) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints the Assistant Labour Commissioner (Central), Adipur, Kandla vice the Assistant Labour Commissioner (Central), Ahmedabad, as a member of the Kandla Dock Labour Board and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3805, dated the 26th October, 1968, namely:—

In the said notification, under the heading "Member representing the Central Government", against item (5), for the entry "The Assistant Labour Commissioner (C), Ahmedabad" the entry "The Assistant Labour Commissioner (C). Adipur (Kandla)" shall be substituted.

[No. 58/11/69-FacII/P&D.]

**(श्रम और रोजगार विभाग)**

नई दिल्ली, 31 मई 1972

**का० आ०** 2198.—डॉक कर्मकार (नियोजन विनियमन) अधिनियम 1948 (1948 का 9) की धारा 5-क की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा सहायक श्रमायुक्त (केन्द्रीय) अहमदाबाद के स्थान पर सहायक श्रमायुक्त (केन्द्रीय) अदिपुर, (काण्डला) को काण्डला डॉक श्रम बोर्ड के सदस्य के रूप में नियुक्त करती है और भारत सरकार के भूतपूर्व श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 3805 दिनांक 26 अक्टूबर, 1968 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "केन्द्रीय सरकार का प्रतिनिधित्व करने वाले सदस्य" शीर्षक के नीचे मद (5) के सामने "सहायक श्रमायुक्त (केन्द्रीय) अहमदाबाद", प्रविष्टि के स्थान पर "सहायक श्रमायुक्त (केन्द्रीय) अदिपुर (काण्डला) प्रविष्टि प्रतिस्थापित की जाएगी ।

[संख्या 58/11/69-फैक्ट-2/पी० एण्ड डी०]

*New Delhi, the 1st June 1972*

**S.O. 2199.**—In exercise of the powers conferred by sub-sections (1), (3) and (4) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints Shri S. K. Ghosh, Deputy Chairman, Calcutta Port Commissioners, Calcutta as a member of the Calcutta Dock Labour Board and nominates him Chairman of the said Board with effect from the 1st February, 1972 to the 3rd March, 1972, *vice* Shri K. K. Ray granted leave and makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1322, dated the 7th April, 1967, namely:—

In the said notification,—

(1) under the heading "Members representing the Central Government", for the entry relating to item (1), the following entry shall be substituted namely:—

"(1) Shri S. K. Ghosh ( Deputy Chairman, Calcutta Port Commissioner, Calcutta."

(2) in paragraph 2, for the words and letters "Shri K. K. Ray, Chairman", the words and letters "S. K. Ghosh, Deputy Chairman" shall be substituted.

[No. 53/23/67-Fac.II/P&D.]

O. P. TALWAR, Dy. Secy.

नई दिल्ली, 1 जून 1972

**का० आ०** 2199.—डॉक कर्मकार (नियोजन का नियमन) अधिनियम, 1948 (1948 का 9) की धारा 5-क की उपधाराओं (1), (3) और (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा श्री एस० के० घोष, उपाध्यक्ष, कलकत्ता पोर्ट कमिशनर्स, कलकत्ता को श्री के० के० रे०, जिन्हें छुट्टी स्वीकृत की गई है, के स्थान पर 1 फरवरी, 1972 से 3 मार्च,

1972 तक कलकत्ता डॉक ! रूप में नियुक्त
करती है और उन्हें उक्त वं नीत करती है
और भारत सरकार के श्रम र्वास मंत्रालय
(श्रम और रोजगार विभाग ा का० आ०
1322 तारीख 7 अप्रैल, 19 लिखित संशोधन
करती है, अर्थात् :—

उक्त अधिसूचना में,

(1) "केन्द्रीय सरकार का वाला सदस्य"
शीर्षक के अन न्धित प्रविष्टि
के स्थान पर नि तस्थापित की
जाएगी, अर्थात्

"(1) श्री एस० के० घोष,
उपाध्यक्ष, कलकत्ता पोर्ट कमिशनर्स, कलकत्ता";

(2) पैरा 2 में "श्री के० के० रे, अध्यक्ष," शब्दों और अक्षरों के स्थान पर" श्री एस० के० घोष, उपाध्यक्ष" शब्दों और अक्षरों को प्रतिस्थापित किया जाएगा।

[संख्या 53/23/67-फैक० 2/पी० एण्ड डी०]

ओ० पी० तलवाड़, अवर सचिव।

**(Department of Labour and Employment)**

*New Delhi, the 1st June 1972*

**S.O. 2200.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Semmadu Estate Asambur (B.O.), Yercaud Post, Saleem District have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force, on the first day of January, 1972.

[No. S.35019(31)/72-PF-II.]

**श्रम और रोजगार विभाग**

नई दिल्ली, 1 जून, 1972

**का० आ० 2200.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सेमाडू एस्टेट, असमबुर (बी० ओ०) यरकौड पोस्ट, जिला सलेम नामक स्थापन से सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है।

यह अधिसूचना 1972 की जनवरी के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस०-35019 (31)/72-पी० एफ० 2]

**S.O. 2201.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. K. S. P. Natarajan Trust, 99, South Cotton Road, Tuticorin-1 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of March, 1972.

[No. S. 35019(41)/72-PF.II.]

**का० आ० 2201.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स के० एस० पी० नटराजन ट्रस्ट, 99, साउथ काटन रोड, तुतिकोरिन-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है ;

यह अधिसूचना 1972 की मार्च के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019 (41)/72-पी० एफ० 2]

**S.O. 2202.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ganesh Textile Industries, 348, Teliwara, Delhi-Shahdara have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of September, 1971.

[No. S.35019(37)/72-PF.II.]

**का०आ० 2202.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स गणेश टैक्सटाइल इन्डस्ट्रीज, 348, तेलीवाड़ा, दिल्ली, शहादरा, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है।

यह अधिसूचना 1971 के सितम्बर के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019 (37)/72-पी० एफ० 2]

**S.O. 2203.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as the Kerala Chemical and Biological Agency, 1785, Musaliar Building Chinnakada Quilon-1 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall come into force on the thirtieth day of April, 1972.

[No. S-35019(45)/72-PF.II.]

**का० आ० 2203**——यतः केन्द्रीय सरकार को यह प्रतीत होता है कि दि केरला कैमिकल एण्ड बायोलजिकल ऐंजेन्सी, 1785 मुसालियार बिल्डिंग, चिन्नाकदा, किलोन-1 नामक स्थापन से सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिएं ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है ;

यह अधिसूचना 1972 की अप्रैल, के तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019 (45)/72–पी० एफ० 2]

**S.O. 2204.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ranka Cable Corporation, Industrial Estate, Cuddapah, have agreed that the provisions of the Employees' Provident Funds and Family Pension Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of June, 1970.

[No. 8(172)/70-PF.II.]

**का० आ० 2204.**——यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स रांका केबल कार्पोरेशन, इंडस्ट्रियल एस्टेट, कुड्डपा नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात बर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिएं ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है।

यह अधिसूचना 1970 की जून के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8 (172)/70–पी० एफ० 2]

**S.O. 2205.**—Whereas Messrs. Star Paper Mills Limited 27, Brabourne Road, Calcutta-1 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that,—

(a) the employers in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;

(b) the said employer shall invest the provident fund contributions in accordance with the directions issued by the Central Government from time to time.

THE SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.

2. The employer shall furnish to each employee an Annual Statement of Account or Pass Book.

3. All expenses involved in the administration of the Fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment a copy of the rules of the Fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.

5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the Provident Fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the Fund of the establishment, and accept the past accumulations in respect of such employees and credit to his account.

6. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds and Family Pension Fund Act, 1952 so that the benefits under the provident fund scheme of the establishment shall not become less favourable than the benefit provided under the Employees' Provident Funds and Family Pension Fund Act, 1952.

7. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Provident Fund Commissioner within 3 months of the close of the year.

8. No amendment of the rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. 11/16/69-PF.II.]
DALJIT SINGH, Under Secy.

**का० आ० 2205.**—यतः, मैसर्स स्टार पेपर मिल्स लिमिटेड, 27, ब्रबर्न रोड, कलकत्ता–1 (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि तथा कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (1) के खण्ड (क) के अधीन छूट देने के लिए आवेदन किया है ;

और यतः, केन्द्रीय सरकार की राय में अभिदाय की दरों की बाबत उक्त स्थापन के भविष्य निधि नियम उसके कर्मचारियों के लिए उन नियमों से कम अनुकूल नहीं हैं जो उक्त अधिनियम की धारा 6 में विनिर्दिष्ट हैं, और कर्मचारी भविष्य निधि की अन्य प्रसुविधाएं भी पा रहे हैं जो कर्मचारियों के लिए कुल मिलाकर उन प्रसुविधाओं से कम अनुकूल नहीं हैं, जो, उसी प्रकार के किसी अन्य स्थापन के कर्मचारियों के संबंध में, उक्त अधिनियम के अधीन और कर्मचारी भविष्य निधि स्कीम, 1952 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन दी जाती है ;

अतः, अब, उक्त अधिनियम की धारा 17 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, केन्द्रीय सरकार उक्त स्थापन को उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से एतद्द्वारा छूट देती है और उक्त धारा 17 की उपधारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा निदेश देती है कि :—

(क) उक्त स्थापन से सम्बद्ध नियोजक उक्त स्थापन के उन कर्मचारियों को, जो, यदि यह छूट न दी गई होती तो, उक्त स्कीम के अधीन सदस्य हो गए होते, तत्समय देय वेतन के (आधिरिक मजदूरी, महंगाई भत्ता, प्रतिधारण भत्ता, यदि कोई हो, और उस पर अनुज्ञेय खाद्य रियायत का नकद मूल्य) 0.09 (शून्य दशमलव शून्य नौ) प्रतिशत की दर से निरीक्षण प्रभार मासान्त के पन्द्रह दिन के भीतर कर्मचारी भविष्य निधि को देगा ;

(ख) उक्त नियोजक भविष्य निधि अभिदायों को, केन्द्रीय सरकार द्वारा समय समय पर निकाले गए निदेशों के अनुसार, विनिहित करेगा।

**अनुसूची**

1. नियोजक प्रादेशिक भविष्य निधि आयुक्त को वे विवरणियां भेजेगा जिन्हें केन्द्रीय सरकार समय समय पर विहित करे।

2. नियोजक प्रत्येक कर्मचारी को वार्षिक लेखा–विवरण या पास बुक भेजेगा।

3. निधि के प्रशासन, जिसमें लेखाओं का बनाए रखना, लेखाओं और विवरणियों का भेजा जाना, संचयों का अंतरण, निरीक्षण प्रभारों आदि का संदाय सम्मिलित हैं, में अन्तर्वलित सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक समुचित सरकार द्वारा अनुमोदित निधि के नियमों की एक प्रति स्थापन के सूचना पट्ट पर प्रदर्शित करेगा और जब कभी उनमें संशोधन किया जाएगा तब कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य मुख्य बातों का अनुवाद भी प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि (कानूनी निधि) या छूट प्राप्त किसी अन्य स्थापन की भविष्य निधि का पहले ही से सदस्य है, उसके स्थापन में नियोजित होता है तो नियोजक स्थापन की निधि के सदस्य के रूप में उसका नाम तुरंत ही दर्ज करेगा और ऐसे कर्मचारी को बाबत उसके पिछले संचयों को स्वीकार करके उन्हें उसके खाते में जमा करेगा।

6. यदि उस वर्ग के स्थापनों के लिए, जिसमें नियोजक का स्थापन आता है, भविष्य निधि के अभिदायों की दर कर्मचारी भविष्य निधि तथा कुटुम्ब पेंशन निधि अधिनियम, 1952 के अधीन बढा दी जाय तो नियोजक भविष्य निधि के अभिदायों की दर समुचित रूप से बढ़ा देगा ताकि स्थापन की भविष्य निधि स्कीम के अधीन की प्रसुविधाएं उन प्रसुविधाओं से कम अनुकूल न हों जाए जिनकी व्यवस्था कर्मचारी भविष्य निधि तथा कुटुम्ब पेंशन निधि अधिनियम, 1952 के अधीन है।

7. स्थापन अपनी भविष्य निधि का संपरीक्षित तुलन–पत्र हर वर्ष प्रादेशिक भविष्य निधि आयुक्त को वर्षान्त के तीन मास के भीतर भेजेगा।

8. भविष्य निधि नियमों में कोई भी संशोधन केन्द्रीय भविष्य निधि आयुक्त से पूर्व अनुमोदन के बिना नहीं किया जाएगा। जहां किसी संशोधन से कर्मचारियों के हितों पर प्रतिकूल प्रभाव पड़ना संभाव्य हो वहां केन्द्रीय भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व, कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

[सं० 11/16/69–पी० एफ० II]

दलजीत सिंह, अवर सचिव।

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**(Department of Labour and Employment)**

ORDERS

*New Delhi, the 28th December 1971*

**S.O. 2206.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of South

Bulliari Kendwadih Group of Collieries of Messrs East Indian Coal Company Limited, Post Office Kusunda, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Cetral Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunanl (No. 1), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

1. "Whether the management of South Bulliari and Kendwadih Group of Collieries of Messrs East Indian Coal Company Limited, Post Office Kusunda, District Dhanbad has the financial capacity to pay Variable Dearness allowance at the rate of Rs. 1.86 paise per day per worker with effect from the 1st April, 1971? If so to what relief are the workmen concerned entitled?"
2. "Whether the refusal of the management of South Bulliari Kendwadih Group of Collieries of Messrs East Indian Coal Company Limited. to pay overtime wages to all the workmen at the rate of 2 1/2 times of their normal wages for working on Sunday keeping in view the same facilities being allowed to the workmen of Engineering Department of Bararee and Jealgora Collieries of the same management by virtue of the mutual agreement dated the 1st July, 1971, entered into between Messrs East Indian Coal Company Limited, and Bihar Coal Miners' Union is justified? If not, to what relief are the workmen employed in South Bulliari Kendwadih Group of Collieries entitled?"
3. "Whether the Coal Cutting Machine Helpers of South Bulliari Kendwadih Group of Collieries of Messrs East Indian Coal Company Limited, Post Office Kusunda, District Dhanbad are entitled to be placed in Category-IV and to get wages accordingly? If so, from which date?"

[No. L/2012/181/71-LRII.]

(श्रम और रोजगार विभाग )

आदेश

नई दिल्ली, 28 दिसम्बर, 1971

**का० आ० 2206.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स ईस्ट इंडियन कोल कम्पनी लिमिटेड, की साऊथ बुलिल्यारी केन्दवाडिह कोलियरीयों के ग्रुप, डाकघर कुसुंडा, जिला धनबाद के प्रबन्ध मन्डल से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन लिये निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के आधीन गठित औद्योगिक अधिकरण (संख्या 1), धनबाद को न्यायनिर्णयन के लिये निर्देशित करती है।

अनुसूची

1. "क्या मैसर्स ईस्ट इंडियन कोल कम्पनी लिमिटेड के साऊथ बुलियारी और केंदवाडिह कोलियरियों के ग्रुप, डाकघर कुसुंडा, जिला धनबाद के प्रबन्धमंडल में पहली अप्रैल, 1971 से 1.86 रुपये प्रतिदिन, प्रति कर्मकार की दर से परिवर्ती महंगाई भत्ता देने की आर्थिक क्षमता है? यदि, हां, तो सम्बन्धित कर्मकार किस अनुतोष के हकदार है?"

2. "क्या मैसर्स ईस्ट इंडियन कोल कम्पनी लिमिटेड के साऊथ बुलियारी केंदवाडिह कोलियरों के ग्रुप के प्रबन्धमण्डल का सभी कर्मकारों को रविवार को काम करने के लिए उनको सामान्य मजदूरी-दर के 2½ गुणा दर से समयोपरि मजदूरी देने से इन्कार करना इस बात को ध्यान में रखते हुए, न्यायोचित है, कि उसी प्रबन्धमण्डल के बारारी और जीलागोरा कोलियरीज इंजीनियरी विभाग के कर्मकारों को मैसर्स ईस्ट इण्डियन कोल लिमिटेड और बिहार कोल माइनर्स यूनियन के बीच हुए 1-7-1971 के पारस्परिक समझौते की बदौलत वैसी ही सुविधाएं दी जा रही हैं ; यदि नहीं, तो साऊथ बुलियारी केन्दवाडिह कोलियरियों के ग्रुप में काम करने वाले कर्मकार किस अनुतोष के हकदार हैं?"

3. "क्या मैसर्स ईस्ट इण्डियन कोल कम्पनी लिमिटेड के साऊथ बुलियारी केन्दवाडिह कोलियरियों के ग्रुप, डाकघर कुसुंडा, जिला धनबाद के कोयला काटने वाले मशीन सहायक प्रवर्ग-4 में रखे जाने और तदनुसार मजदूरी प्राप्त करने के हकदार हैं? यदि हां, तो किस तारीख से?"

[संख्या एल०2012/181/71-एल० आर० 2]

*New Delhi, the 7th January 1972*

**S.O. 2207.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of East Donger Chickli Colliery of Messrs Pench Valley Coal Company Limited, Post Office Parasia, District Chhindwara (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of East Donger Chickli Colliery belonging to Messrs Pench Valley Coal Company Limited, Post Office Parasia, District Chhindwara (Madhya Pradesh) in stopping from work Sarvashri Rahim, Puran, Jugan and Mohan Timber Suppliers, with effect from the 12th June, 1969 was justified? If not, to what relief are they entitled to?"

[No. L/2212/20/71-LRII.]

नई दिल्ली, 7 जनवरी 1972

**का०आ० 2207** यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स पैंच वेली कोल कम्पनी लिमिटेड, को ईस्ट डोंगर चिकली कोलियरी, डाकघर पारासिया, जिला छिन्दवाड़ा (मध्य प्रदेश) के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकारक उक्त विवाद को न्याय-निर्णयन के लिए निर्देशित करना वांछनीय समझती है।

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर को न्यायनिर्णयन के लिए निदशित करती है।

अनुसूची

"क्या मैसर्स पैंच वैली कोल कम्पनी लिमिटेड की ईस्ट डोंगर चिकली कोलियरी, डाकघर पारासिया जिला छिन्दवाड़ा (मध्य प्रदेश) के प्रबन्ध मन्डल की सर्व श्री रहीम, पूर्ण, जुगन और मोहन टिम्बर सप्लायर्स को 12 जून 1969 से काम से रोकने की कार्यवही न्यायोचित थी ? यदि नहीं, तो वे किसे अनुतोष के हकदार हैं।?"

[संख्या एल०-2212/20/71-एल०आर०-2]

*New Delhi, the 4th March, 1972*

**S.O. 2208.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 1), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the dismissal of Shri Ahmad Khan, Watchman of the Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, by the said management with effect from the 24th November, 1970 is justified? If not, to what relief the workman is entitled?"

[No. L/2012/211/71-LRII.]

नई दिल्ली, 4 मार्च 1972

**का० आ० 2208.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स टाटा आयरन एण्ड स्टील कम्पनी लिमिटेड की डिगवाडिह कोलियरी, डाकघर जीलगोरा, जिला धनबाद के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (संख्या 1), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या मैसर्स टाटा आयरन एण्ड स्टील कम्पनी लिमिटेड की डिगवाडिह कोलियरी जामाडोबा के चौकीदार, श्री अहमद खान को, उक्त प्रबन्ध मंडल द्वारा 24 नवम्बर, 1970 से पदच्युत करना न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है ?"

[संख्या एल०/2012/211/71-एल० आर० II]

*New Delhi, the 6th March, 1972*

**S.O. 2209.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Belbaid Colliery of Messrs Belbaid Collieries Limited, Post Office Topsi, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Belbaid Colliery of Messrs Belbaid Collieries Limited, Post Office Topsi, District Burdwan in stopping from work Sarvashri N. K. Mishra, Surveyor, D. K. Ghosh Moullik, Dusting-in-Charge, K. G. Bhania C. L/Fitter, Anadiswar Mitra, P/Khalasi, Tara Bouri, Under Ground Trammer and R. P. Singh L/Mistry with effect from the 1st June, 1970 is justified? If not, to what relief are the workmen entitled?"

[No. L/1912/140/71-LRII.]

नई दिल्ली, 6 मार्च 1972

**का० आ० 2209**——यतः केन्द्रीय सरकार की राय है कि इस से उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसस बैलबन्द कोलियरीज़ लिमिटेड, की बैलबंद कोलियरी, डाकघर टोपसी, जिला वर्दवान के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और अतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

"क्या मैसर्स बैलबंद कोलियरीज़ लिमिटेड, की बैलबंद कोलियरी, डाकघर टोपसी, जिला बर्दवान के प्रबन्ध मण्डल की सर्वश्री एन० के० मिश्र, सर्वेशक, डी० के० घोष, डस्टिंग इन्चार्ज, के० जी० भांजा सी० एल०/फिटर, अनादिस्वर मित्रा, पी/खलासी, तारा बोडरी, भूमिगत ट्रैमर और आर० पी० सिंह, एल/मिस्त्री को पहली जून, 1970 से काम से रोकने का कार्यवाही न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष के हकदार हैं ?

[सं० एल० 1912/140/71-एल० आर०-2]

**S.O. 2210.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Madhujore Colliery of M/s. Madhujore Coal Company Private Limited, Post Office Kajoragram, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Madhujore Colliery of Messrs Madhujore Coal Company Private Limited, Post Office Kajoragram, District Burdwan in dismissing Shri Mukhtar Singh, Overman, with effect from the 24th July, 1971, is justified? If not, to what relief is the workman entitled?"

[No. L/1912/150/71-LRII.]

**का० आ० 2210.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स मधुजोरे कोल कम्पनी प्राइवेट लिमिटेड की मधुजोरे कोलियरी डाकघर काजोरा ग्राम, जिला बर्दवान के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

"क्या मैसर्स मधुजोरे कोल कम्पनी प्राइवेट लिमिटेड के मधुजोरे कोलियरी, डाकघर काजोरा ग्राम, जिला बर्दवान के प्रबन्ध मण्डल की, श्री मुखतार सिंह ओवर मैन को, 24 जुलाई 1971 से पदच्युत करने की कार्यवाही न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है

[सं० एल०/912/150/71-एल० आर०-2]

**S.O. 2211.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Victory Colliery (M. J. Group) of Messrs Coal Products Private Limited, Post Office Nutandanga, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Victory Colliery (M. J. Group), of Messrs Coal Products Private Limited, Post Office Nutandanga, District Burdwan in terminating the services of Shri Sital Thakur Munshi, with effect from the 14th May, 1971, is justified? If not, to what relief is the workman entitled?"

[No. L/1912/159/71-LRII.]

**का० आ० 2211.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स कोल प्रोडक्ट्स प्राइवेट लिमिटेड की विक्टरी कोलियरी (एम० जे० ग्रुप) डाकघर नुतन डांगा, जिला बर्दवान के प्रबन्ध से सम्बन्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

"क्या मैसर्स कोल प्रोडक्ट्स प्राइवेट लिमिटेड की विक्टरी कोलियरी (एम० जे० ग्रुप), डाकघर नुतन डांगा, जिला जिला बर्दवान के प्रबन्ध मण्डल की श्री सितल ठाकुर मुंशी की सेवाओं को 14 मई 1971 से समाप्त करने की कार्यवाही न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है ?

[सं० एल०/1912/159/71-एल० आर०-2]

*New Delhi, the 7th March, 1972*

**S.O. 2212.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kumardihi Colliery, Post Office Ukhra, District Burdwan, West Bengal, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Kumardihi Colliery, Post Office Ukhra, District Burdwan in stopping Shri Ramjiwan Singh, Munshi from work with effect from the 11th October, 1970, and then dismissing him from service with effect from the 25th November, 1971 is justified? If not, to what relief is the workman entitled and from what date?"

[No. L/19012/6/72-LRII.]

नई दिल्ली, 7 मार्च 1972

**का० आ० 2212**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में कुमारडिहि कोलियरी डाकघर उखरा, जिला बर्दवान, पश्चिम बंगाल के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

"क्या कुमारडिहि कोलियरी, डाकघर उखरा, जिला बर्दवान के प्रबन्ध मण्डल की, श्री रामजीवन सिंह मुंशी को, 11 अक्तूबर, 1970 से काम से रोकने और 25 नवम्बर 1971 से पदच्युत करने की कार्यवाही न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष और किस तारीख से हकदार है ?"

[सं० एल०/190/2/6/72-एल० आर०-2]

*New Delhi, the 25th March 1972.*

**S.O. 2213.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Gidi 'A' Colliery of Messrs National Coal Development Corporation Limited, Post Office Gidi, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 1), Dhanbad, constituted under sectionn 7A of the said Act.

SCHEDULE

"Whether the action of the management of Gidi 'A' Colliery of Messrs National Coal Development Corporation Limited, Post Office Gidi, District Hazaribagh in denying Shri S. L. Sharma Electrical Supervisor (Redesignated as Foreman Electrical), the scale of Rs. 405-730- as per the wage Board's recommendations is justified? If not, to what relief is the workman entitled and from what date?"

[No. 2/201/70-LRII.

नई दिल्ली, 25 मार्च, 1972

**का० आ० 2213.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स नेशनल कोल डेवलपमैंट कार्पोरेशन लिमिटेड की गिडी 'ए' कोयला खान, डाकखाना गिडी, जिला हजारी बाग के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है।

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (संख्या-1), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या मैसर्स नेशनल कोल डेवलपमेंट कारपोरेशन लिमिटेड की गिडी 'ए' कोयला खान, डाकघर गिडी, जिला हजारी बाग के प्रबन्ध मंडल द्वारा श्री एम० एल० शर्मा, विद्युत् पर्यवेक्षक (जिनका पदनाम बदलकर फोरमैन, विद्युत कर दिया गया है) को मजदूरी बोर्ड की सिफारिशों के अनुसार रु० 405-730 का वेतनमान न देने की कार्यवाही न्यायोचित है। यदि नहीं, तो कर्मकार किस अनुतोष का और किस तारीख से हकदार है।

[सं० 2/201/70-एल० आर०-2]

*New Delhi, the 28th March 1972*

**S.O. 2214.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Singareni Collieries Company Limited, Ramagundum Division-I, Post Office Godavari Khani, (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri P. S. Ananth, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

1. Whether the action of the management of Singareni Collieries Company Limited, Ramagundum Division-I is justified in not filling up the posts of Category-VI Electricians as stipulated in the Tradesmen Agreement of the fourth October, 1966, by declaring such posts redundant consequent upon the appointment of Electrical charge-hands as required under Indian Electricity Rules, 1965? If not, to what relief are the Category-V Electricians entitled?
2. Whether the action of the management of Singareni Collieries Company Limited, Ramagundam Division-I in rendering the posts of Category-VI Electricians in their mines redundant without giving notice to the registered unions concerned is justified? If not, to what relief are the workmen entitled?"

[No. L/2112/47/71-LRII.]

नई दिल्ली, 28 मार्च, 1972

**का० आ० 2214.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में सिंगरैनी कोलियरीज कम्पनी लिमिटेड, रामागुंडम डिवीजन–I, डाकघर, गोदावरी खानी (आन्ध्र प्रदेश) के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7–क और 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री पी० एस० अनन्थ होंगे, जिनका मुख्यालय अफ्जल लांज, तिलक रोड, रामकोटे, हैदराबाद-1 में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

1. क्या सिंगरैनी कोलियरीज कम्पनी लिमिटेड, रामागुंडम डिवीजन–I के प्रबन्ध मंडल की, भारतीय विद्युत नियम, 1955 के अधीन यथा अपेक्षित इलेक्ट्रिकल चार्ज हैंडों की नियुक्ति के परिणाम स्वरूप प्रवर्ग – 6, के इलेक्ट्रिशियनों के पदों को अनावश्यक घोषित करके उन्हें, 4 अक्टूबर, 1966 के ट्रेडसमैन एग्रीमेन्ट में यथा अनुबद्ध न भरने की कार्यवाही न्यायोचित है। यदि नहीं, तो प्रवर्ग 5 के इलेक्ट्रिशियन किस अनुतोष के हकदार है।

2. क्या सिंगरैनी कोलियरीज कम्पनी लिमिटेड रामागुंडम डिवीजन–I के प्रबन्ध मंडल की, अपनी खानों में प्रवर्ग-6 इलेक्ट्रिशियनों के पदों को, संबंधित रजिस्ट्रीकृत संघों को बिना सूचना दिए अनावश्यक बनाने की कार्यवाही न्यायोचित है। यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है :

[सं० एल० /2112/47/71–एल० आर० 2]

*New Delhi, the 6th April 1972*

**S.O. 2215.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Mohammed and Sons Gypsum Contractors, Merti Silawathan, Jodhpur (Rajasthan), and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammed Yaqub Khan as Presiding Officer with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"Whether the action of the management of Messrs Mohammed and Sons, Gypsum Contractor, Merti Silawathan, Jodhpur, in paying bonus not on full wages earned by the transporters during the year, but on 40 per cent of the wages earned by them in a year is justified? If not, to what relief the transporters are entitled?"

[No. L/25011/6/71-LRIV.]

BALWANT SINGH, Under Secy.

नई दिल्ली, 6 अप्रैल, 1972

**का० आ० 2215.**—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स मोहम्मद एण्ड सन्स, जिपसम कानट्रेक्टर्स, मेरती सिलावाथान, जोधपुर (राजस्थान) के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री मुहम्मद याकूब खान होंगे, जिनका मुख्यालय जयपुर में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

"क्या मैसर्स मोहम्मद एन्ड सन्स, जिपसम कानट्रेक्टर्स, मेरती सिलावाथान, जोधपुर के प्रबन्धमण्डल की, वर्ष के दौरान परिवाहकों द्वारा अर्जित पूर्ण मजदूरी पर बोनस न दे कर, उनके द्वारा वर्ष के दौरान अर्जित मजदूरों की 40 प्रतिशत पर बोनस देने की कार्यवाही न्यायोचित है ? यदि नहीं, तो परिवाहक किस अनुतोष के हकदार हैं ?

[सं० एल०/25011/6/71–एल०आर०–4]

बलवन्त सिंह, अवर सचिव ।

**(Department of Labour and Employment)**

*New Delhi, the 25th July, 1972*

**S.O. 2216.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Bhulanbararee Colliery, Messrs Bhulanbraree Coal Company Limited, Post Office Patherdih, District Dhanbad and their workmen, which was received by the Central Government on the 18th July, 1972.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE No. 1 OF 1971.

In the matter of an industrial dispute under S. 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the management of Bhulanbararee Colliery of Messrs Bhulanbararee Coal Company Limited, Post Office Patherdih, District Dhanbad.

AND

Their workmen.

APPEARANCE:

Employers in relation to the management of Bhulanbararee Colliery of M/S Bhulanbararee Coal Co. Ltd.

AND

Bharat Coking Coal Ltd.—Shri S. S. Mukherjee, Advocate.

*On behalf of the workmen.*—Shri B. Lal, Advocate.

STATE: Bihar. INDUSTRY: Coal.

*Dhanbad the 14th July, 1972/23rd Asadha, 1894 (Saka)*

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Bhulanbararee Colliery of Messrs Bhulanbararee Coal Company Limited, Post office Patherdih, District Dhanbad and their workmen, by its order No. 2/130/70-LRII, dated 17th December, 1970 referred to this Tribunal under Section 10(1)(d) of the industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Having regard to the nature of job performed by the following workmen of Bhulanbararee Colliery of Messrs Bhulanbararee Coal Company Limited, Post office Patherdih, District Dhanbad, whether the claim of the said workmen for category IV as per the Central Coal Wage Board Recommendations, is justified? If so, to what relief are these workmen entitled and from what date?"

| *S. No.* | *Name of the workmen* |
|---|---|
| 1 | Sri Krishna Pada Mahato. |
| 2. | Sri Gondogol Digar. |
| 3. | Sri Dubraj Mahato. |
| 4. | Sri Panchanon Mahato. |
| 5. | Sri Umashankar Singh. |
| 6. | Sri Jhingur Teli. |
| 7. | Sri Mohan Teli. |
| 8. | Sri Seopujan Gope. |
| 9. | Sri Hukum Turi. |
| 10. | Sri Gopal Teli. |
| 11. | Sri Durjodhan Mahato. |
| 12. | Sri Haripada Bouri." |

2. Workmen as well as the employers filed their statement of demands. The Bharat Coking Coal Ltd. also filed their statement of demands.

3. On 29th June, 1972 Shri B. Lal, Advocate for the workmen and Shri S. S. Mukherjee, Advocate for the employers and Bharat Coking Coal Ltd. have filed a compromise memo and verified the contents as correct. I consider the terms of compromise as favourable to the workmen in general and the concerned workmen in particular. The compromise is, therefore, accepted and the award is made in terms of the compromise and submitted under S. 15 of the Industrial Disputes Act, 1947. The compromise memo is annexed herewith and is made part of the award.

(Sd.) N. VENKATA RAO,
Presiding Officer.
Central Govt. Industrial Tribunal
(No. 2), Dhanbad.

BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. II) AT DHANBAD.

In the matter of:—

REFERENCE No. 1 OF 1971

PARTIES:

Employers in relation to Bhulanbararee Colliery of M/s. Bhulanbararee Coal Co. Ltd.

AND

Their Workmen.

*Memorandum of Settlement*

All the parties in the present proceedings have amicably settled the dispute involved in the present Reference on the terms hereinafter stated:—

(1) That in view of the factual position that in Bhulanbararee Colliery of M/s. Bhulanbararee Coal Co. Ltd. since the 30th October, 1970 the work of chain cleaners (the workmen concerned in the present Reference) had to be suspended for technical reasons and the concerned workmen were employed on other jobs and there was no prospect of restarting the said work in foreseeable future and as such the present Reference had become only academical in nature, no party was interested to contest this case any further.

(2) That the management of the said colliery shall pay a sum of Rs. 100/- (Rupees one hundred only) to the Secretary, Mine Mazdoor Union (Bhulanbararee colliery Branch) as cost of proceedings.

(3) The above terms finally resolve the dispute between the parties and, therefore, there is no subsisting dispute for adjudication in the present Reference.

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to accept this Settlement and to give its Award in terms thereof.

| *For the employers:*— | *For the workmen:*— |
|---|---|
| (J. N. P. SAHI) | (Illegible Signature) |
| Labour Adviser, | Mine Mazdoor Union, |
| Bhulanbarareee Coal Co. Ltd. | (Bhulanbarareee Colliery Branch) |

For Bharat Coking Coal Ltd,
Dated, 29th June, 1972.
(J. N. P. SAHI)
Labour & Law Adviser,
Bharat Coking Coal Ltd.

[No. 2/130/70-LRII,.]

**S.O. 2217.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Madhujore Colliery, Post Office Kajoragram, District Burdwan and their workmen, which was received by the Central Government on the 18th July, 1972.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA.

REFERENCE No. 90 OF 1971.

PARTIES:

Employers in relation to the management of Madhujore Colliery,

AND

Their workmen.

PRESENT:

Sri S. N. Bagchi, Presiding Officer.

APPEARANCE:

*On behalf of Employers.*—Sri B. P. Dabral, Chief Personnel Officer.

*On behalf of Workmen.*—Absent.

AWARD

By Order No. 6/86/70-LRII, dated 3rd June, 1971, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute existing between the employers in re-Labour and Employment) referred the following intheir workmen, to this Tribunal, for adjudication, namely:

"1. Whether the management of Madhujore Colliery, Post Office Kajoragram, District Burdwan are justified in not issuing the Baskets and Shovels to the loaders and Wagon loaders whenever these are broken; if not, to what relief are the workmen entitled?

2. Whether the management of Madhujore Colliery, Post Office Kajoragram, District Burdwan are justificable in not paying dearness allowance @ Rs. 1.62 with effect from the 1st October, 1970 to their workmen; if not to what relief the workmen are entitled?"

2. To-day is the date fixed for final hearing of the Reference. The management filed its statement of case so far back as on 17th September, 1971. On 15th June, 1972 the Union appeared through one Sri Sudhendu Mukherjee, Advocate. He filed a petition praying for time to file documents although the union had not filed any written statement about the demand. The case was, however, fixed for hearing to-day. The Management has appeared to-day but the Union has not.

3. In these circumstances, this tribunal considers that there is no dispute between the management and the workmen represented by the Union, in regard to the matter referred to for adjudication by this Tribunal.

Hence render a 'no dispute' award in the matter accordingly.

(Sd.) S. N. BAGCHI,
Presiding Officer.

*Dated, July 12, 1972.*

[No. 6/86/70-LRII.]

*New Delhi, the 29th July, 1972*

**S.O. 2218.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Industrial Tribunal, Gujarat, Ahmedabad, in the industrial dispute between the employers in relation to the management of Messrs N. Jay Prakash Quarry, Valod District Surat, and their workmen, which was received by the Central Government on the 21st July, 1972.

BEFORE SHRI INDRAJIT G. THAKORE, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL

REFERENCE (ITC) No. 3 OF 1972

BETWEEN:

The Management of M/s. N. Jay Prakash Quarry. Valod District, Surat.

AND

Their Workmen.

In the matter of Bonus at the rate of 20 per cent of the wages.

AWARD

This industrial dispute between the employers in relation to the management of Messrs N. Jay Prakesh Quarry, Valod District, Surat, and their workmen has been referred to me for adjudication as Industrial Tribunal under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, by the Govt. of India, Ministry of Labour and Rehabilitation, by their Order No. L-29011(15)/72-LR.IV, dated 30th May, 1972. The dispute relates to a single demand which is mentioned in the schedule to the said order. The demand is for bonus for the Samvat Years 2025 and 2026.

After the dispute was referred to me, it appears that the parties have come to terms. One of the terms is that the reference before me is to be withdrawn. In the circumstances, the reference does not survive for adjudication and stands disposed of.

(Sd.) Indrajit G. Thakore,
Presiding Officer.
Industrial Tribunal.

[No. L-29011(15)/72-LRIV.]

*Dated, July 7, 1972.*

*New Delhi, the 1st August, 1972*

**S.O. 2219.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of New Selected Dhori Colliery, Post Office Bermo, District Hazaribagh (Bihar), and their workmen, which was received by the Central Government on the 18th July, 1972.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1) AT DHANBAD

In the matte rof a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 21 OF 1971.

PARTIES:

Employers in relation to the New Selected Dhori Colliery, P.O. Bermo, Dist. Hazaribagh.

AND

Their Workmen.

PRESENT:

Shri A. C. Sen, Presiding Officer.

APPEARANCES:

*For the Employers.*—Shri S. S. Mukherjee, Advocate with Shri Bishwanath Nag, Manager.

*For the Employees.*—Shri J. P. Singh Azad, Secretary, Koyla Mazdoor Sabha.

STATE: Bihar. INDUSTRY: Coal.

*Dhanbad, the 29th June, 1972.*

AWARD

The present reference arises of Order No. 1/56/70-LRIII, dated New Delhi, the 7th July, 1971 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows:

"Whether the management of New Selected Dhori Colliery, Post Office Bermo, District Hazaribagh (Bihar) are justified in rendering idle, for the period from the 15th June, 1970 to the 2nd November, 1970, the workmen as per list at Annexure 'A' and in not paying any wages or compensation for the period of idleness. If not, to what relief are the workmen entitled?"

ANNEXURE - A

List of Workmen illegally retrenched from 15-6-1970 by the management of New Selected Dhori Colliery.

| Sl. No. | Name of Worker | Date of appointment |
|---|---|---|
| 1. | Lalpat Noria | 20-11-59 |
| 2. | Gopi Chand | 1-10-57 |
| 3. | Jageshrai | 1-10-57 |
| 4. | Sitaram | 13-6-63 |
| 5. | Manwa w/o Sitaram | 10-3-64 |
| 6. | Parmeshwar | 6-7-63 |
| 7. | Jarwa w/o Parmeshwar | 6-7-63 |
| 8. | Dwarik | 1-12-55 |
| 9. | JasodaW/o.Dqarik | 1-12-55 |
| 10. | Ram Prasad | 1-1-63 |
| 11. | Kailash | 23-4-68 |
| 12. | SonamariW/o.Kailash | 23-4-68 |
| 13. | PuniaW/o.Ramdas | 13-7-61 |
| 14. | Janki | 18-6-60 |
| 15. | Faguni | 19-3-61 |
| 16. | Jitani w/o. Janki | 18-6-60 |
| 17. | Ramdeo | 4-4-60 |
| 18. | BasmatiaW/o. Ramdeo | 4-4-60 |
| 19. | Rambrichh | 16-7-61 |
| 20. | MarchiW/o. Ram Brichh | 10-9-59 |
| 21. | Brich | 5-4-58 |
| 22. | Jasua W/o. Brichh | 1-1-63 |
| 23. | DeobartyW/o. Jagashqar | 1-1-59 |
| 24. | Samundri W/o. Puran | 20-11-59 |
| 25. | Sahodri W/o.Sheo Shankar | 14-7-64 |
| 26. | Deep | 13-4-68 |
| 27. | Surji W/o Deep | 13-7-68 |
| 28. | Parbalia W/o Ram Prasad | 31-12-66 |
| 29. | Kauleshwari W/o Ram Prasad | 31-12-66 |
| 30. | Jirwa W/o Ram Prasad | 6-7-63 |
| 31. | Nepri W/o Budhan | 20-2-64 |
| 32. | Rajdeo son of Pardit | 9-12-59 |
| 33. | Jamuni W/o. Rajdeo | 20-9-60 |
| 34. | Padarath | 5-8-61 |
| 35. | Dharpathia W/o. Padharath | 10-12-61 |
| 36. | Seopatia W/o. Nageshwar | 29-12-67 |
| 37. | Panchoo | 31-12-66 |
| 38. | Mankumari W/o Panchoo | 31-12-66 |
| 39. | Budhan | 1-1-68 |
| 40. | Dukhani W/o Budhan | 1-1-68 |
| 41. | Lachman | 29-8-63 |
| 42. | Mungeshwari W/o Lachman | 29-8-63 |
| 43. | Nanhu | 1-1-68 |
| 44 | Sundarbasia W/o Nanhu | 1-1-68 |
| 45. | Mohar Mania w/o Krit | 1-1-63 |
| 46. | Rukmunia W/o Ramlal | 31-12-66 |
| 47. | Daman | 15-5-61 |
| 48. | Rajdeo S/o Deochand | 15-12-59 |
| 49. | Jagwa W/o Ram Sarup | 31-12-66 |
| 50. | Ram | 7-9-57 |
| 51. | Lakhiya W/o Ram | 7-9-57 |
| 52. | Budhanath | 8-5-58 |
| 53. | Mangari W/o Budhan | 8-5-58 |
| 54. | Sanicharwa | 6-9-59 |
| 55. | SiWanti W/o Sanicharwa | 1-5-60 |
| 56. | Charo | 10-12-61 |
| 57. | Mangari W/o Karma | 1-1-63 |
| 58. | Somaro | 1-1-68 |
| 59. | Sohagi W/o Sarma | 1-1-68 |
| 60. | Bandhoo | 1-1-68 |
| 61. | Birso W/o Bandhan | 1-1-68 |
| 62. | Sukhdeo | 8-7-57 |
| 63. | Ledwa | 23-8-60 |
| 64. | Elwaria W/o Ledwa | -- |
| 65. | Mangara | 1-1-68 |
| 66. | Mangari W/o Mangra | 1-1-68 |
| 67. | Ballahi | 30-12-67 |
| 68. | Sukhram | 1-1-68 |
| 59. | Bachan W/o Sukhram | 1-1-68 |
| 70. | Mangari W/o Jagdish | 12-10-69 |
| 71. | Chalitar | 16-5-61 |
| 72. | Nathuni | 21-5-63 |
| 73. | Daulti W/o Nathuni | 21-5-63 |
| 74. | Tetar | 17-6-63 |
| 75. | Indari | 17-6-63 |
| 76. | Gurucharan | 23-3-61 |
| 77. | Shyamlal | 5-11-63 |
| 78. | Jirwa W/o Shayamlal | 5-11-63 |

2. The dispute has been settled out of Court by the parties. A memorandum of settlement dated 29th June, 1972 has been filed to-day. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the Memorandum of Settlement. I accept it and make an award accordingly. The memorandum of settlement shall form a part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

(Sd.) A. C. SEN,

Presiding Officer,

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

REFERENCE No. 21 OF 1971.

PARTIES:

Employers in relation to the New Selected Dhori Colliery.

AND

Their Workmen.

That without prejudice to the respective contentions of the parties contend in their written statement the subject matter of dispute in the above reference has been amicably settled between the parties on the following terms:—

1. That the works of the river side quarry as per direction of the department of Mines will continue to remain suspended from 15th June to 31st October every year.

2. That the management will decide to observe immediately the workmen employed at the riverside quarry in the same or similar work in other parts of the colliery for the period of 15th June to 31st October.

3. That during the above period the management will not employ any new workmen in the categories in preference to the workmen employed in the river side quarry.

4. That for the period of unemployment of the workmen during 15th June, 1970 to the 2nd November, 1970 on account of the closure of the riverside quarry they will be treated as if on leave without any wages for the purpose their continuity of service only.

5. That the parties will bear the respectives costs of the proceedings pending before the honourable Tribunal.

6. That the above terms of the settlement finally resolves all disputes pending before the honourable Tribunal in the above reference.

7. That the above terms of settlements are fair and reasonable and is in the best interest of the parties.

It is, therefore, humbly prayed that the above terms may kindly be accepted and award passed in terms of the settlement.

*For the Workmen.* *For the Employer.*
Manager.

(Sd.) J. P. SINGH AZAD, Secretary, Koyla Mazdoor Sabha.

(1) (Sd.) BISHWANATH NAG,

(2) (Sd.) S. S. Mukherjee, Advocate.

[No. 1/56/70-LR.II.]

**S.O. 2220.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Post Office Kothagudem Collieries (Andhra Pradesh) and their workmen, which was received by the Central Government on the 15th July, 1972.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT:

Sri P. S. Ananth, B.Sc., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 9 OF 1971

Between:

Workmen of Singareni Collieries Company Limited, Kothagudem.

AND

The Management of Singareni Collieries Company Limited, Kothagudem.

APPEARANCES:

Sri K. C. Kannabiran, Advocate, for Singareni Collieries Workers Union and Sri A. Lakshmana Rao, Advocate, for Singareni Collieries Mazdoor Sangh, Kothagudem *for Workmen.*

Sri K. Srinivasa Murthy, Secretary, Federation of A. P. Chamber of Commerce and Industry, *for Management:*—

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) by its Order No. 7/8/70-LR.II, dated 19th December, 1970 referred the following dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act) for adjudication by this Tribunal, namely,

"whether the demand of the Union for deletion of Rule 5(2)(i) of Gratuity Rules of the Singareni Collieries Company Limited, Kothagudem is justified? If so, to what relief are the workmen entitled?"

This reference was taken on file as Industrial Dispute No. 9 of 1971 and notices were issued to the parties. For the purpose of convenience the workmen of Singareni Collieries Company Limited, Kothagudem are referred to as the petitioners and the Management of Singareni Collieries Company Limited, Kothagudem is referred to as the respondent in the course of this award.

2. The General Secretary of Singareni Collieries Workers Union, Kothagudem filed a claims statement on behalf of the petitioners contending as follows:— The present dispute covers all employees and workmen employed by the Singareni Collieries Company Limited in respect of all the divisions of the collieries, namely, Kothagudem, Yellandu, Bellampalli, Mandamari, Ramkrishnapur and Ramgundam Divisions. The Gratuity rules of Singareni Collieries Company Limited were framed in the year 1959 and came into effect from 1st January, 1959. The gratuity rules framed in the year 1959 are now outdated and needs thorough revision in the present day conditions and in the light of the various decisions of the Supreme Court and also by the recommendations of the Central Wage Board for Coal Mining Industry made in 1967. The respondent agreed for the revision of the gratuity rules on the lines of the Wage Board Recommendations as per the settlement dated 26th February, 1965. Clause 2 of the settlement is that the Union can represent individual cases of retired workers for condonation of break in service due to participation in an illegal strike to the Management and that the Union may approach the conciliation machinery if they are not satisfied with the decision of the Management. Accordingly the Union approached the Conciliation Machinery after they have failed with the Management for change in the gratuity rules as per the recommendations of the Wage Board. The Conciliation proceedings ended in failure

and so this reference is made. Rule 5(2)(i) of the gratuity rules should be deleted because as per the settlement dated 26th February, 1965 the respondent had agreed to revise the Company's Gratuity Rules on the lines of the representations made by the Wage Board and also because no one would lose gratuity for participation in an illegal strike as per the recommendations of the Wage Board. The gratuity is payable to the dismissed workmen for misconduct also as per the recommendations of the Wage Board. The Wage Board has also recommended the deletion of clause in the Coal Mines Scheme which relates to forfeiture of Attendance Bonus on account of participation in an illegal strike. Accordingly the clause had been deleted by amending the Coal Mines Bonus Scheme. Mere participation in an illegal strike should be treated as break in service for the purpose of gratuity only while the total of length of service is being counuted for all other purpose such as provident fund leave with wages attendance bonus etc. The respondent has no right to deprive the workmen of their right for claiming gratuity for the entire period of past service rendered by them when once it is earned by the workmen by their past meritorious service put in by them.

3. The respondent filed its counter contending as follows:—There is at present no industry-wise gratuity scheme for the Coal Miners. One or two employers in the private sectors and Singareni Collieries Company Limited in the public sector have introduced gratuity schemes. The gratuity rules were introduced in Singareni Collieries unilaterally by the Management in 1959. These rules are not the result of an award or settlement. The scheme enables the employees to earn substantial retirement benefit under certain conditions. These rules in general are based on the rules in force in Railways and various other schemes of gratiuty in force in other industries. While prescribing the condition for eligibility and qualifying service it has been laid down that all retiring gratuities granted under the rules shall be at the absolute discretion of the Company. During the years 1964 and 1965 the Unions challenged the provisions of Rules 5(i) and 5(2) regarding participation in an illegal strike and raised an industrial dispute before the conciliation machinery. The management expressed the view that the question of evolving a scheme of gratuity for Coal Mines Workers was being examined by the Wage Board and so the Union could await the final decision of the Government on the Wage Board proposal in this regard. In the course of the conciliation proceedings held in the presence of the Regional Labour Commissioner (Central) on 26th February, 1965 a memorandum of settlement under Section 12(3) of the said Act was arrived at which contains the clause that it is agreed that till such time the gratuity rules are revised on the basis of the recommendations of the Wage Board, the Union can represent individual cases of retiring workers for condonation of break in service due to participation in an illegal strike to the Management and that the Union may approach the conciliation machinery if they are not satisfied with the decision of the Management. The Wage Board while commending Industry-wise scheme in the interests of workers agreed with the submission of the employers that they cannot bear additional financial burden of the scheme of gratuity and recommended for a creation of a fund through the levy of cess on despatches of coal from which payment of gratuity could be met. This scheme formulated by the Wage Board has not been accepted by the Government as yet and it is still receiving the attention of the Government. In view of the settlement referred, the Union is precluded from raising this dispute at this juncture before the Government's decision on the Wage Board recommendations in regard to grauity is known, till such time the Union should continue to represent individual cases, if any, on merits which they have been doing all these years. Unless the Wage Board gratuity scheme is accepted by the Government of India there is no justification on the part of the Union to insist that the Singareni Collieries Company Limited which was one of the first few collieries who introduced the scheme of gratuity on its own more than 10 years ago should modify the scheme on the basis of the Wage Board scheme. Clause 5(2)(i) clearly indicates that dismissal or strike which is illegal constitutes a break in service for the purpose of gratuity rules. The Supreme Court while interpreting the word "continous service" held that if there is any clear provisions in the scheme itself as to what is meant by continuous service, the scheme holds good and upheld the justification of such clause in recent cases. There is no force in the claim of the Union for modification of gratuity rules on the basis of the Wage Board recommendations as the Government has not accepted the gratuity scheme as recommended by the Wage Board. The Union is evidently mispresenting the Memorandum of Settlement dated 26th February, 1965. There is no justification whatsoever for the Union to raise a dispute pending approval of the Union for modification of gratuity rules on the reference is bad in law as the settlement is still in force and not terminated by the Union. The reasons putforth by the Union for deletion of rule 5(2)(i) from the gratuity rules are equally untenable. The Union can have a cause of action only when the recommendations of the Wage Board relating to gratuity scheme are accepted and brought into force by the Government. The recommendations of the Wage Board have no relevance so long as they are not accepted by the Government and the gratuity rules now in operation which constitutes condition of service will remain unaffected. Similarly Rules relating to forfeiture of Gratuity in respect of dismissed workers in their Rules will remain unaffected till such time the Wage Board's recommendations are accepted by the Government. Deletion of clause relating to forfeiture of Attendance Bonus from the Coal Mines Bonus Scheme as recommended by the Wage Board and accepted by the Government has no relevance for the purpose of their gratuity rules. The scheme of gratuity recommended by the Wage Board has not been accepted by the Government so far, while the amendments in the bonus scheme as recommended by the Wage Board were approved by the Government. The word "continuous service" is interpreted in different enactments in different ways. The definition of the term "continuous service" contained in other enactments will not have material bearing in dealing with interpretation of the word in the context of the scheme of gratuity. When the scheme itself contained a specific provision what the expression "continous service" means as is contained in the scheme of gratuity, it should be interpreted as such. The Gratuity Rules specifically provided that participation in illegal strikes would constitute a break in service. There is no question of the Management depriving the workmen of their right for claiming gratuity. The workmen by their very conduct render themselves liable for forfeiture of past service for gratuity only if they participate in illegal strikes. Since the industry is a public utility service any strike resorted to or declared in violation of Sections 22 and 23 of the said Act would be illegal. Besides this the workmen so participating in such strikes are deemed to have committed a misconduct under the Standing Orders and as such their services cannot be termed as meritorious. So there is no justification for the demand of the Union for deletion of rule 5(2)(j) of the Gratuity Rules.

4. The Andhra Pradesh Singareni Collieries Mazdoor Sangh Kothagudem had been subsequently added as

a party and the General Secretary of that Sangh filed a claims statement contending as follows—Singareni Collieries Company Limited have introduced for the first time the Gratuity Scheme in the year 1961. Rule 5(2)(i) of the Gratuity Rules is against the spirit of the Gratuity Scheme and the very purpose of gratuity scheme is defeated if this rule is not deleted. The said rule is against the principles of natural justice and labour laws and judgements of the Supreme Court. The Management is denying gratuity under the said Rules to the workers who are dismissed from service of misconduct or any other reasons and this is most unfair and illegal. Similarly the Management is denying gratuity under the said Rules to the workers who take part in an illegal strike and the service of the workers are reckoned as fresh services which is most unfair. Taking part in an illegal strike is not a break in service and it amounts to continuous service. Simialrly in the case of dismissed employees, the Management is denying gratuity benefit for the entire period of service which action of the Management amounts to denial of social justice. Gratuity is earned by an employee as a reward for long and meditorious service. It is not paid to the employee gratuitiously or merely as a matter of boon, but it is paid to him as a reward for the services rendered by him over a specific period of years, and when the gratuity is once earned by an employee by service for a specified period, its benefit cannot be denied to him whatever may the reasons be. In the context of the scheme of the gratuity continuous service postulates the continuance of relationship between an employee and an employer. Participation in an illegal strike cannot by itself bring the relationship cited above to an end. In an industry strikes of illegal nature may occur spontaneously due to unwarranted acts of management, difficult working conditions, refusal to redress the day to day working problems and such stoppages cannot be construed as illegal strikes but it only amounts to continuous service and not break in service. So the Management cannot apply Rule 5(2)(i) which is prejudicial to the cause of the workmen and it must be deleted from gratuity rules.

5. The respondent filed an additional counter after the filing of the claims statement by the Mazdoor Sangh contending as follows:—The sangh's allegationn that the gratuity rules were first introduced in the Colliery in the year 1961 is denied. It was in 1959 that the Management unilaterally introduced the gratuity Rues. Clause 5(2)(i) has been there since the introduction of the scheme and it worked all right for all these years. It is denied that this clause is against the principles of natural justice, labour laws and the judgements of the Supreme Court, since no court or law justifies the action of a workmen to go on an illegal strike. The case of dismissed workers forfeiting the gratuity is not a subject matter of the present dispute. The present matter is in respect of Rule 5(2)(i) but not in respect of Rule 3(4) under which an employee dismissed from service is not entitled for gratuity at all. As per rules, participation in an illegal strike does create a break in service and such services cannot be said to be continuous. It is entitled for gratuity at all. As per rules, participation in an illegal strike does create a break in service and such services cannot be said to be continous. It is denied that the gratuity earned by the employee is a payment by the Management for long uninterrupted and meritorious till the end for the Management to consider the payment under the scheme. It is denied that illegal strike occured due to unwarranted acts of Management. Courts have held that the workmen are not legally justified in going illegal strike even in such cases.

6. The dispute that is now referred to for adjudication by this Tribunal is whether the demand of the Union for deletion of Rule 5 (2)(i) of Gratuity Rules of the Singareni Collieries Company Limited, Kothagudem is justified?

7. No oral evidence had been let in this case, but Exs. M1 to M4 were marked. The petitioners are the workmen of Singareni Collieries Company Limited, and one set of workers are represented by the Singareni Collieries Workers Union, Kothagudem and another set of workers are represented by the Andhra Pradesh Singareni Collieries Mazdoor Sangh, Kothagudem. It is seen that some workers are members of another Union known as Tandur Coal Mines Labour Union, Bellampalli. Though this Union is not a part to the present reference, it is evidenced by the original of Ex. M1 that this Union had also been negotiatment. It is now seen from Ex. M4 that the respondent ing and entering into a settlement with the Management. It is now seen from Ex. M4 that the respondent had framed age retirement rules and gratuity rules for the benefit of its workmen. The present dispute is that Rule 5(2) (i) should be deleted.

8. The contention of the petitioners is that mere participation in an illegal strike should not be treated as break in service for the purpose of gratuity only, while the total of length of service is continuous for other purposes such as Provident Fund, leave with wages, attendance bonus etc., that the Management has no right to deprive the workman of their right for claiming gratuity for the entire period of past service rendered by him on any pretext when once it is earned by the workman by his past meritorious service put in by him, that the Management under the said Rule 5(2)(i) is denying gratuity to the workers who are dismissed from service for misconduct or for any other reasons which is most unfair and illegal that the participation of workers in an illegal strike cannot by itself be a break in continuity of service for the purpose of gratuity and that in an industry strikes of illegal nature may occur spontaneously due to unwarranted acts of management, difficult working conditions, refusal to redress day to day working problems and such stoppages cannot be considered as illegal. The respondent besides raising the contention that the reference itself is bad in law as the settlement entered into between the Management and the Union is still in force also contended that the gatuity rules of the Company are based on rules in force in Railways and various other industries, that the Supreme Court while interpreting the word "continuous service", held that if there is any clear provision in the scheme itself as to what is meant by continuous service, the scheme hold good and that there is no force in the claim of the Union for modification of the gratuity rules on the basis of the Wage Board Recommendations as the Government itself has not accepted the gratuity scheme as recommended by the Wage Board, that there is no question of the Management depriving the workmen of their right for claiming gratuity, that the workmen by their very conduct render themselves liable for forfeiture of past service for gratuity only if they participate in illegal strikes and that since the Coal Industry is declared as Public Utility Service, any strikes resorted to or declared in violation of Sections 22 and 23 of the said Act would be illegal and that besides this a workmen so participating in such strikes are deemed to have committed a misconduct under the Standing Orders of the Company and as such their services cannot be termed as meritorious and so there is no justification for deletion of this particular rule.

9. In view of the contentions raised by the parties it would be useful to extract the relevant rule from Ex. M4 and it is as follows "Breaks and deficiencies in service and resignations' (1) Ordinarily, a break in the service of an employee shall unless condoned under the provisions of this rule, entail forfeiture of his service before the break for the purpose of calculating gratuity admissible under Rule 4 provided that participation in a strike, other than a strike declared to be illegal under any law, does not constitute a break in service for the purposes of this rule. (2) In the case of an employee drawing more than Rs. 300 p.m. the Board, and in the case of other empoyees when the break does not exceed twelve months in

all, the General Manager may condone a break in service. The period of breack so condoned shall be treated as dies-non and shall not be counted as service for the purpose of assessing the amount of retiring gratuity to be paid under the provisions of Rule 4(1) hereof. Provided that —[(i) the break was not due to dismissal or to a strike declared to be illegal under any law for the time being in force." Now it is common ground that it is only some private companies and the respondent which is declared as Public Utility Service who alone are having the gratuity scheme. It is seen from the report of the Central Wage Board for the Coal Mining Industry that Chapter XI in Volume I refers to the recommendations made by the said Wage Board as regards Gratuity. It is common ground that so far as the recommendations of the Wage Board as regards Gratuity are concerned, the Government has not yet accepted the recommendations. Chapter XI in Volume I of the Wage Board Recommnedations also shows that the Wage Board had taken note of the fact that there is no industry-wise gratuity scheme for the coal miners accept some employers in the private sectors and Singareni Collierics Company Limited in the public sector. One of the recommendations of the Wage Board as seen from Chapter XI referred to is that gratuity shall be payable even when a workman is dismissed for misconduct and that in case the dismissal is for a misconduct causing financial loss to the employer the dismissed employee shall forfeit gratuity to the extent of such a financial loss. Now from the proviso (i) to Rule 5(2) it is clear that if there is a period of break in service and if that break is not due to dismissal or to a strike declared to be illegal under any law for the time being in force that can be condoned. As per Rule 5(1) a break in service of an employee shall entail forfeiture of his service before the break for the purpose of calculating gratuity unless the break is condoned and this rule also shows that if there is participation in the strikes, other than a strike declared to be illegal under any law, that participation of strike does not constitute a break in service for the purpose of that rule. Now it has to be seen whether the petitioners are entitled to the deletion of rule 5(2)(i) of the said Rules.

10. Now the first contention urged by the respondent namely that the reference is not valid in as much as there is a settlement in force may be considered. The settlement that is now relied upon by the respondent is the original of Ex. M1. A perusal of Ex.M1 shows that the Tandur Coal Mines Labour Union had also raised a dispute about the amendment of Rule 5(2) of the gratuity rules and that there were conciliation proceedings and that finally the parties entered into the settlement the original of Ex. M1 dated 26th February, 1965. So far as the amendment of Rule 5(2) of the Gratuity Rules is concerned the relevant portion of the settlement is as follows "2. It is also agreed that till such time the gratuity rules are revised on the basis of the recommendations of the Wage Board, the Union can represent individual cases of retired workers for condonation of break in service due to participation in illegal strikes to the Management. The Union may approach the conciliation machinery if they are not satisfied with the decision of the Management in the cases represented by them. 3. The dispute raised by the Union stands settled."

11. So it is clear from the above settlement that it is the very same dispute which has been raised now was raised previously by one of the Unions and that the parties had come to a settlement that until the gratuity rules are revised on the basis of the recommendations of the wage board the Union can represent individual cases and get their grievances redressed and that if the Union is not satisfied with the decision of the Management then they can approach the conciliation machinery. If this is a case where the Unions approach the Management with reference to individual cases and if the Unions are not satisfied with the decision given by the Management and if the conciliation fails and then a reference is made to this Tribunal for adjudication thus the reference cannot be said to be bad in law in view of the definite term in the settlement the original of Ex.M1. But the present reference is not with reference to any individual case. Now, the dispute raised in behalf of all the workmen.

12. The learned counsel for the respondent relied upon the decision reported in BANGALORE W.C.&S. MILLS CO. ,v. Their Workmen (1968 (I) LLJ, page 555) in support of his contention that when there is no period fixed the settlement would continue till it is cancelled. A perusal of this decision shows that though a claim was made in respect of leave. the Union withdrew that claim under an agreement and they also agreed not to make any demands for three years. Under those circumstances their Lordships observed that there was a settlement, arrived at, by the parties and that this settlement would be binding on them, unless it was terminated in accordance with Section 19(2) of the said Act. In the present case also the parties had entered into a settlement under which the parties had agreed that till the gratuity rules are revised on the basis of the recommendations of the Wage Board the Union can represent individual cases for condonation of break in service due to participation in illegal strike. This is a valid settlement that had been entered into by the parties and until this settlement is terminated the parties are bound by the settlement and they are precluded from raising the general dispute like the present one. So the principle laid down by their Lordships in the above case directly applies to the facts of the present case.

13. No doubt the learned counsel for the petitioners contended that the settlement relates to matters not covered by the present dispute but that it refers to some strike periods and that the settlement does not show that the parties had agreed to abide by all the gratuity rules, but I feel that there is no force in this contention. It is now seen that subsequent to Ex. M1 settlement there had been another settlement dated 17th September, 1969 as evidenced by the original of Ex. M2. A perusal of Ex. M2 shows that a dispute was raised for condonation of break in service in respect of some workers and that a settlement was arrived at as regards that aspect of the matter also and the relavant portion in Ex. M2 is item No. 14 and it shows that the Management had agreed to condone the break in service for payment of gratuity in the case of workers who participated in the illegal strike in 1959 and 1960. So this settlement shows that some dispute was raised with reference to particular workers who had participated in the illegal strike in the years 1959 and 1960 and that it was settled. It is not Ex. M2 that is now relied upon by the respondent to show that the reference itself is bad in law. The respondent is relying upon the settlement the original of Ex. M1 wherein the parties specifically agreed that till the time the gratuity rules are revised on the basis of the recommendations of the Wage Board the Union can represent individual cases for condonation of break in service. So, so long as the settlement the original of Ex. M1 is in force the parties cannot raise any general dispute like the present one and if there are any individual cases then the respective Unions have to approach the Management for condonation of break in service and if they are not satisfied with the decision of the Management then only they have to approach the conciliation machinery.

14. The facts in this case clearly show that a dispute similar to the present one was raised on a prior occasion and that a settlement was arrived at

under Section 12 of the said Act in the present of the Regional Labour Commissioner (Central) Hyderabad, as evidenced by the original of Ex. M1 and when it is a valid settlement and when such a settlement is in force the Government is not competent to make a reference. So I agree, with the contention of the learned counsel for the respondent that the reference is bad in raw and so the reference is liable to be rejected because under Section 10(1)(d) of the said Act this Tribunal will have jurisdiction only if the reference is valid one.

15. So far as the merits of the case are concerned the learned counsel for the petitioner relied upon certain decisions but when once it is held that this Tribunal has no jurisdiction to adjudicate upon the dispute since the reference itself is an invalid reference, it is not proper to consider the merits of the case and so I do not propose to consider the merits of the case and the decisions relied upon by the learned counsel for the petitioners.

16. In the result, in view of my finding that the reference is bad in law and that this Tribunal has no jurisdiction to go into the dispute referred to the reference is rejected.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 10th day of June, 1972.

(Sd.) P. S. Ananth,
Industrial Tribunal.

APPENDIX OF EVIDENCE

| *Witnesses examined for Workmen:* | *Witnesses examined for Employers:* |
|---|---|
| NIL | NIL |
| *Documents exhibited for Workmen:* | *Documents exhibited for Empolyers:* |
| NIL | Ex. M1.—Memorandum of Settlement under Section 12 of the I.D. Act dt. 25th February, 1965 arrived between the Management and Tandur Coal Mines Labour Union, Bellampalli.<br>Ex. M2.—Memorandum of settlement under Section 12(3) of the I.D. Act dt. 17th September, 1969 between the Management and S.C. Workers Union, Kothagudem and Tandur Coal Mines Labour Union, Bellampalli.<br>Ex. M3. Payment of Gratuity Bill 1971.<br>Ex. M4.—Age retirement and Gratuity Rules of the Singareni Collieries Co. Ltd. |

(Sd.) P. S. Ananth,
Industrial Tribunal.
[No. 7/8/70-LR.II.]

**S.O. 2221.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of East Kajora Colliery of Messrs Swadeshi Mining and Manufacturing Company Limited, Post Office Andal, District Burdwan and their workmen, which was received by the Central Government on the 22nd July, 1972.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE NO. 83 OF 1971

PARTIES:

Employers in relation to the management of East Kajora Colliery of Messrs Swadeshi Mining and Manufacturing Company Limited.

AND

Their Workmen.

PRESENT:

Sri S. N. Bagchi, Presiding Officer.

APPEARANCES:

*On behalf of Employers.*—Sri K. Das Gupta, Group Labour Officer.

*On behalf of Workmen.*—Sri Rajdeo Singh, General Secretary, Khan Mazdoor Sangh (Ind.)

STATE: West Bengal. INDUSTRY: Coal Mines.

AWARD

By Order No. L-1912/42/71/LRII, dated 20th May, 1971, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred an industrial dispute existing between the employers in relation to the management of East Kajora Colliery of Messrs Swadeshi Mining and Manufacturing Company Limited and their workmen, to this Tribunal, for adjudication, namely:

"Whether the acting of the management of East Kajora Colliery of Messrs Swadeshi Mining and Manufacturing Company Limited, Post Office Andal, District Burdwan in refusing employment to Shri Singasan Gowala, Loader, with effect from the 14th February, 1970 to the 15th March, 1970 is justified? If not, to what relief is the workman entitled?"

2. On 16th July, 1971 the management filed its written statement. On 15th June, 1972 the General Secretary of the Union appeared and submitted that there had been a compromise of the dispute. In support of his statement the General Secretary, Sri Rajdeo Singh of the Union made an application. The management denied that any compromise had been effected and all that was alleged in the application filed by Sri Singh, General Secretary, Khan Mazdoor Sangh on 15th June, 1972. The application in question did not contain any workable basis upon which a direct could be given to the parties to have the alleged compromise recorded. The statement of Sri Singh was, therefore, not accepted. Thereafter Sri Singh submitted that he will file a written statement. Accordingly, a written statement was filed as directed on 5th July, 1972 by Sri Rajdeo Singh, General Secretary, Khan Mazdoor Sangh representing the workman.

3. The management in its written statement filed on 16th July, 1971 asserted that the dispute under reference was not raised either by the workman himself or the union representing the workman. The management contended that the workman Singasan Gowala, loader of East Kajora Colliery of the management had been suffering from Tuberculosis on and from 4th July, 1969 and remained absent from work for treatment. On 11th February, 1970 the Medical Officer, Searsole, declared Sri Gowala fit for light duty on surface or underground on the condition that his case would be reviewed after three months. Then the workman reported to the colliery authorities who could not provide any light work

to him as apart from the fact that there was no light post available there was no legal obligation to provide light work to the workman. The workman approached the Medical Officer, Searsole on 14th February, 1970 who declared him fit for duty. The colliery authorities in the circumstances could not employ the workman and risk his own safety and safety of others employed in the mine. The colliery medical officer declared the workman Gowala fit on 11th March, 1970 and Gowala was given work on and from 16th March, 1970 after making arrangement for his work. Therefore, the question of refusal of work to Gowala could not arise and Gowala again was not entitled to any relief for his alleged refusal of employment from 14th February, 1970 to 15th March, 1970.

4. The management did not in paragraph 2 of its written statement state that the workman or the union representing the workman did not raise the dispute before the management but stated, "no such dispute was raised by the workman or the union representing the workman." In reply to that paragraph of the management's statement the union in paragraph 7 of its statement states, "the dispute is an industrial dispute and it was raised before the employer by the union as per their letter dated 24th June, 1970, by registered post. Moreover the employer never raised such objection during the conciliation before the Assistant Labour Commissioner, Raniganj which was a proper stage for that". The management in paragraph 3 stated that Khan Mazdoor Sangh, Ukhra does not function at Kajora Colliery and the union is not competent to raise such a general dispute when the recognised union representing the majority of the workman is functioning there. In reply to that paragraph in the written statement of the management, the union states that the dispute is not a general dispute for which the recognised union is required. This is an individual industrial dispute and the present union is competent enough to raise it. The union asserts that the management was not justified in refusing employment it to the workman with effect from 14th February, 1970 to 15th March, 1970 for which he was entitled to full wages for the period of idleness. So the Union wanted, it to be declared that the management was not justified in refusing employment to the workman from 14th February, 1970 to 15th March, 1970 and claims full wages for the period and other statutory benefits on account of the concerned workman.

5. On 5th July, 1972 the management gave a rejoinder to the Union's statement. In the rejoinder it was asserted that before the management the dispute had not been raised now referred for adjudication either by the workman or by the union and that an objection on that score was taken before the Conciliation officer by the management. The management asserted that the union did not work in the East Kajora Colliery of the management and was not competent to raise the industrial dispute when a recognised union representing the majority of the workman was functioning in the colliery The management had no legal obligation to offer any light job as recommended by the Medical Officer on 11th February, 1970. The management challenges the medical officer's two certificates relating to the workman as being contradictory on the face of the record. The report of the medical officer dated 11th March, 1970 was obtained at the request of the workman. The colliery medical officer declared the workman fit on 11th March, 1970 and he was given work on 16th March 1970.

5. Points for consideration, therefore, are:

(i) Did the workman or the union representing the workman raised the dispute before the management before approaching the Assistant Labour Commissioner for conciliation of the alleged dispute?

(ii) Has any medical officer authority to varry the terms of the contract of employment between an employer and the employee?

If not, was the management justified in refusing to employ the workman on 14th February, 1970 in a light job either on the surface or in the underground in place of his job of a loader for which he was being employed before he was attacked with Tuberculosis?

(iii) was the management justified in refusing to employ the workman on the recommendation of the medical officer in a job *i.e.* light job either on surface or in the underground contrary to the original terms of employment between the management and the workman concerned? If so, is the workman entitled to wages for the period from 14th February, 1970 to 15th March, 1970?

*Point (i):*

Did the workman or the union representing the workman raise the dispute before the management before approaching the Assistant Labour Commissioner for conciliaition of the alleged dispute?

The workman concerned did not come and depose. Sri Raideo Singh, General Secretary of the Union deposed as witness No. 1 for the workman. He proved the copy of a letter, Ext. W2, which he said he had sent per registered post with acknowledgement due to the Manager, East Kajora Colliery. Along with the registration receipt attached to the letter, there is also the acknowledgement due receipt signed by the Manager for East Kajora Colliery with the rubber stamp impression thereon. The signature bears under it a date 29th June, 1970. The workman *vide* Ext. W3 became member of the union on 28th July, 1970. Now, the letter, Ext. W2, dated 24th June, 1970 in paragraph 2 contains the following assertion: "Sri Singasan Gowala, Loader, attended Searsole hospital several times for his treatment but not paid his conveyance charges properly. He was declared fit for duty on 14th February, 1970 but not allowed to resume upto 15th March, 1970 and their grievances are genuine and legitimate and they desire proper compensation." On 24th June, 1970 the workman was not a member of Khan Mazdoor Sangh union bearing a registration No. 9428, but on the date of reference *i.e.* on 29th May, 1971 the workman was a member of the said union. There is no evidence that at any time the workman himself raised the dispute before the management. On 24th June, 1970 *vide* Ext. W2 when the workman was not a member of the union, *i.e.* Khan Mazdoor Sangh, the General Secretary of the said Union had no authority to raise a dispute on behalf of the non-member workman before the management. Therefore, in view of the decision in Sindhu Resettlement Corporation *vs* Industrial Tribunal, Gujarat, reported in 1968 (II LLJ 834 and Feeder Lloyd & Co., *vs* Lt. Governor, Delhi reported in FLR 1970 (20) p. 383, I hold that no dispute was raised as that which is now the subject matter of the reference either by the workman or by the union of which the workman was a member at any time before the management before approaching with the dispute for conciliation by the Assistant Labour Commissioner.

*Point No. (ii):*

Has any medical officer authority to vary the terms of the contract of employment between an employer and the employee? If not, was the management justified in refusing to employ the workman on 14th February, 1970 in a light job either on the surface or in the underground in lieu of his job of a loader for which he was being employed before he was attacked with tubercolosis?

6. The job of a loader is heavy one. The contract of employment between the management and the workman was that the management would employ the workman as a loader but not in any light job either on the surface or in the underground. The hospital card Ext. W1, of of the workman shows entries from 25th July, 1969. On 28th July, 1969 the hospital recorded "Scattered tuberculosis infiltration all over both lungs". Thus the man was admitted in the hospital and was treated from 16th August 1968 to 14th November, 1969 and was discharged after 90 days. These entries are in the left

hand side of the first page of Ext. W1 but further entries continue about his treatment. Obviously the entry "Admission 16th August, 1969 to 14th November, 1969 (90 days)" must be wrong because it will appear from entries in the following pages that from 25th July, 1969 the man was kept in the hospital for treatment and his treatment with anti-T.B. drugs continued upto 12th December, 1970 when X-ray of his chest was taken and one anti-tuberculosis drug was prescribed. On 12th February, 1970 the entry made by Searsole hospital doctor reads as follows: "case reviewed. He is fit for any light job either on surface or in underground. He will be reviewed after 3 months". X-ray on 12th February, 1970 of the chest followed by anti-T.B. drug followed by recommendation for a light job either on surface or in underground with a rider that his case would be reviewed 3 months after speak their own stories. On 14th February, 1970 the same doctor declared that patient *i.e.* the workman fit for original work. This entry of 14th February, 1970 and the previous entry *i.e.* of 12th February, 1970 go poles as under. On 12th February, 1970 chest was X-rayed followed by anti-T.B. drug. So the man was not cured of T.B. Remark "the case will be reviewed" clearly shows that the doctor took a rather charitable view of the financial suffering due to unemployment of the workman forgetting the strict injunctions of medical science. The doctor was not examined but the Ext. W1 was admitted without formal proof which was the hospital treatment Book of the workman. On 14th February, 1970 when the doctor recommended that the workman was fit for his original work as a loader, it fails my comprehension to imagine how this very doctor could record only two days before the remark "fit for any light job either on surface or in underground". By his recommendation of 12th February, 1970, the doctor wanted a new contract of employment to be made between the employer and the employee; when the original contract of employment was that the workman could be employed as a loader if not physically unfit. The recommendations of the doctor on 14th February, 1970 viewed with its observation "case reviewed" makes his recommendation dated 14th February, 1970 absolutely self-contradictory to his recommendation of 12th February, 1970 and unreliable. He again contradicts himself by his entry dated 26th February, 1970 when the patient was recommended anti-T.B. drug. On 26th February 1970 the doctor still recorded "he could do his own work". On 11th March, 1970 the hospital doctor recorded "reviewed as requested. He may do his own work. Check up after two or 3 months. To continue drug". The Colliery medical officer recorded on 11th March, 1970 declaring the workman fit for duty but on 23rd March, 1970 the workman was again administered anti-T.B. drug. On 24th March, 1970 the workman complained of pain on chest and was given some other drug "anti-T.B.". On 24th March, 1970 he was again given anti-T.B. drug. He however got back his employment on 16th March, 1970. On 4th May, 1970 he was prescribed anti-T.B. drug so also on 25th May, 1970, 28th June, 1970, 29th June, 1970, 8th July, 1970, 20th July, 1970, 6th August, 1970, 7th September, 1970, 21st September, 1970, 19th October, 1970, 23rd November, 1970, 21st December, 1970, 18th January, 1971, 23rd February, 1971, 3rd April, 1971 and in that way his treatment continued upto 5th July, 1971, with anti-T.B. drugs and administration of such drug. On 5th July, 1971 the hospital doctor recorded 'Check up next day'. For consideration of stopping anti-T.B. drug next day". On August, 1971 there was X-ray of the chest and it was recorded "for consideration for stopping of anti-T.B. drug". On 9th August, 1971 the case was reviewed. Anti-T.B. drug stopped (arrested lelson). Check after 4 months or earlier if required. The man continued hospital treatment upto 13th December, 1971 but he got back his employment as loader on 16th March, 1970. However, on the recommendation of the colliery doctor as well as of the hospital medical officer dated 11th March 1970 declaring the workman fit for duty, the management gave the workman employment as a loader on and from 16th March, 1970 but still the Searsole hospital continued on to treat the loader on and from 23rd March, 1970, when he was still suffering from T.B. and his treatment continued till upto 9th August, 1971 when anti-T.B. drug had not been stopped. So, upto 9th August, 1971 the workman was suffering from acute T.B. Accordingly during the period from 16th of March, 1970 to 7th August, 1971 when the workman had been employed as a loader he was not fit for doing any heavy duty because he was suffering from tuberculosis and his lelson of the both lungs had not been arrested till upto 9th August, 1971. So, the doctors and the management all appear to have had conspired to kill the man by employing him as a loader on and from 16th March, 1970 but as Providence would have it, the man may be still alive working as a loader. He did not appear before the Tribunal in person and the Tribunal could not record what the appearance of the man was. So during the period from 14th February, 1970 to 15th of March, 1970 if the management refused to employ the workman as a loader it was justified in doing so. The management would have been thoroughly justified in refusing the workman to employ as a loader upto 9th August, 1971 having regard to the condition of health of the workman during the period as recorded by the medical officer of Searsole T.B. Hospital which I have already elaborately discussed (Ext. W1). The certificate that the workman is fit for doing light job given on 11th February, 1970 and his original job on 14th February, 1970 by the Searsole medical officer, as I have already found, were self-condemned so also the certificate given by the Colliery medical officer on 11th March, 1970. On the record of the medical treatment of the workman (Ex. W1) no sensible man should have allowed him to be re-employed as a loader on 16th of March, 1970, not even till before 9th August, 1971. Be that as it may, there was justification for the employers not to employ the workman during the period 14th February, 1970 to 15th March, 1970 when he was really unfit for any duty whether light or heavy either on the surface or on the underground. He was not fit to resume his duty as a loader on 14th February, 1970 and even on 11th March, 1970. However, he is now re-employed from 16th March, 1970 and his non-employment from 14th February, 1970 to 15th March, 1970 in the circumstances reviewed was justified on medical ground.

*Point (iii)*:

Was the management justified in refusing to employ the workman on the recommendation of the medical officer *i.e.* light job either on surface or in the underground contrary to the original terms of employment between the management and the workman concerned? If so, is the workman entitled to wages for the period from 14th February, 1970 to 15th March, 1970?

7. As I have already observed, a medical officer has no legal authority to vary the terms of contract of employment by his recommendation declaring the workman fit to do light job either on the surface or in the underground on and from 11th February, 1970. His recommendation on 14th February, 1970, as I have already observed was contradictory to his recommendation as made on 11th February, 1970. The workman, as I have already observed, was rightly refused employment during the period from 14th February, 1970 to 15th March 1970 by the management and such refusal was justified in the circumstances already reviewed.

In the result, the reference is rejected.

This is my award.

(Sd.) S. N. BAGCHI,
Presiding Officer.

*Dated, July* 15, 1972.

[No. L-1912/92/71-LR.II.]

**S.O. 2222.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation

to the management of East Nimcha Colliery of The East Laikdih Colliery Company Private Limited, Post Office Jaykaynagar District Burdwan and their workmen, which was received by the Central Government on the 24th July, 1972.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE No. 75 OF 1971

PARTIES:

Employers in relation to the management of the East Nimcha Colliery of The East Laikdih Colliery Company Private Limited.

AND

PRESENT:

Their workmen.

Sri S. N. Bagchi Presiding Officer.

APPEARANCES:

*On behalf of Employers.*—Sri B P. Dabral, Chief Personnel Officer.

*On behalf of Workmen.*—Absent.

STATE: West Bengal. INDUSTRY: Coal Mine.

AWARD

By Order No. L-1912/61/71-LR.II, dated 29th May, 1971, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute existing between the employers in relation to the management of The East Nimcha Colliery of The East Laikdih Colliery Company Private Limited and their workmen, to this Tribunal, for adjudication, namely:—

"Whether the action of the management of The East Nimcha Colliery of The East Laikdih Colliery Company Private Limited, Post Office Jaykaynagar, District Burdwan in dismissing Shri Samiran Harijan Loader with effect from the 4th February, 1971 is justified? If not, to what relief is the workman entitled?"

2. The union, representing the workman nspite of notice duly issued and served did not turn up to-day which is fixed for positive hearing of the reference. The union did not also file any written statement of demand inspite of specific order passed by this Tribunal on 15th June, 1972 *suo motu*. In the circumstances, this tribunal considers that the union is not interested in prosecuting with its demand under the reference, and that it has no dispute now existing in regard to the subject matter of the reference.

Accordingly, I render a 'no dispute' award.

*Dated, 19th July*, 1972.

S. N. BAGCHI, Presiding Officer.

[No. L-19012/61/71-LR.II.]

*New Delhi, the 3rd August*, 1972

**S.O. 2223.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the followning award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Ranipur Colliery of Messrs Equitable Coal Company Limited, Post Office Saltore, District Purulia, and their workmen, which was received by the Central Government on the 26th July, 1972.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUBUNAL AT CALCUTTA.
Reference No. 93 of 1971

Parties:

Employers in relation to the management of Ranipur Colliery of Messrs Equitable Coal Company Limited,

And

Their Workmen.

Present:

Sri S. N. Bagchi, Presiding Officer.

Appearances:

On behalf of Employers.—Sri Monoj Kumar Mukherjee, Advocate.

On behalf of Workmen.—Sri Vinay Kumar, General Secretary, Colliery Mazdoor Congress.

State: West Bengal.

Industry: Coal Mine.

AWARD

By Order No. L/1912/50/71-LRII, dated 21st July, 1971, the Government of India, in the Ministry of Labour and Rehabilitation (Department of Labour and Employment), referred the following dispute existing between the employeers in rslation to the management of Ranipur Colliery of Messrs Equitable Coal Company Limited and their workmen, to this Tribunal, for arjudication, namely:

"Whether having regard to the nature of duties performed by Shri Raja Ram, Carpenter Mazdoor and Shri Aloke Roy ,General Mazdoor, the management of Ranipur Colliery of Messrs Equitable Coal Company Limited, Post Office Saltore, District Purulia, is justified in not giving category-IV wages to the said workmen? If not, to what relief is the workmen entitled and from what date?"

2. In the Schedule annexed to the reference it is noted that a copy of the reference was sent to the General Secretary, Colliery Mazdoor Congress, Gorai Mansion, G.T. Road, P.O. Asansol, District. Burdwan. The reference is dated 21st July, 1971. The copy of the failure report, sent along with the reference in the first line of the report ,The General Secretary, Colliery Mazdoor Congress (IND) raised an industrial dispute over 5 point charter of demands vide his letter No. CMC/18-B/62 dated 18th February, 1971 (copy enclosed) and requested this office for intervention". The dispute was received by the Conciliation Officer through the General Secretary, Colliery Mazdoor Congress (Ind.) on 22nd January, 1971. After the reference of the industrial dispute was registered and notices were issued to the Superintendent, Dishergarh Group, Methani Colliery, P.O. Sitarampur, District Burdwan and the General Secretary, Colliery Mazdoor Congress. Gorai Mansion, G.T. Road, Asansol, District Burdwan, a written statement on behalf of th eworkmen was received by this Tribunal on 28th/29th December, 1971 signed and verified by Vinay Kumar, General Secretary, Colliery Mazdoor Congress (Hind Mazdoor Panchayat), Garal Mansion, G.T. Road, Asansol, and was placed in the record. The employer on showing cause of delay in filing its written statement by a petition received by this tribunal on 12th June, 1972, filed its statement of case with a copy to the General Secretary Colliery

Mansion, G.T. Road, Asansol Thereafter the General Secretary,Colliery Mazdoor Congress (Hind Mazdoor Panchayat) appeared but did not file any rejoinder but took steps by calling for documents, etc. from the management and other steps also. The Union alleges that the two workmen Sri Raj Ram and Shri Aloke Roy, Carpenter and Pump Khalasi respectively who have been working for a considerable period are entitled to be placed in Category-IV as fixed by the accepted recommendation of the Central Wage Board for the Coal Mining Industry and are entitled to be paid their wages being placed in that category. The management has intentionally and wilfully continued them to be placed in lower categories which has no semblance with the actual work performed by each of them and thereby the workmen are losing the benefits of higher wages for the actual job performed by them. Raja Ram has been working as carpenter from 1965 on the surface in the first shift every day at employer's Ranipur Colliery making sprays, Roller Frames, Handles for Picks, Shovels, Friction Rollers and has been attending to all repairing jobs required for the maintenance of the quarters and bungalows in the colliery. Other two carpenters in the employers' colliery are donig the same work as Raja Ram and they have been placed in category IV and getting wages fixed for such category of workmen. But Raja Ram has been deprived of that category with the designation as Carpenter Mazdoor. Alok Roy, who joined the colliery originally in 1965 has been working as Pump Khalasi but has been designated as general mazdoor. He is continuously working as Pump Khalasi and managing the work of his shift. Other Pump Khalasis in different shifts doing the same work are in Category IV with the designation as Pump Khalasi. Alok Roy is entitled to be placed in the same category with the same designation like other pump khalasis but he has been deprived by the management from getting the higher category and consequent wages. Records of the management would show that Sri Roy is entitled to be placed in Category IV as Pump khalasi. The action of the management in depriving the workman from getting their respective category IV and the wages for that category have been illegal and arbitrary whereby the respective workmen have been deprived of their proper category and proper wages and other benefits. So, the union prays for an award upon holding that the workmen are entitled to be placed in category IV with the consequent changes in their existing designation from the date they have been working as such.

3. The management in reply to the written statement of the Union in paragraphs, 1, 2 and 3 stated as follows:

"1. That the present reference is misconceived and not warranted in the facts and circumstances of the case.

2. That the present reference is not maintainable in law.

3. That no dispute in respect of the subject matter of the present reference having been received with the Management before taking up the matter with conciliation machinery by the Union of the workmen, the present reference is not maintainable."

In paragraphs 4, 5 and 6 of the said written statement the management asserts:

"4. That the Employers have been served with a copy of the written statement dated 16th December, 1971 filed on behalf of the workmen and verified under the pen of one Shri Vinay Kumar as the General Secretary, Colliery Mazdoor Congress (H.M.P.), Goral Mansion, G.T. Road, Asansol.

5. That the Employers state that the instant dispute before the Assistant Labour Commissioner (Central), Asansol having been espoused by the Colliery Mazdoor Congress (Independent) the present Written Statement on behalf of the workmen sought to be represented by Colliery Mazdoor Congress (H.M.P.) cannot be entertained as the latter is not a party to the dispute under reference and in that view of the matter the Employers refrain from controverting the averments made therein and submit that the representation of the said union namely Colliery Mazdoor Congress (H.M.P.) and for the matter of that the written Statement filed by them be dis-allowed.

6. Without any prejudice to the above contentions the Employers state that the concerned workmen Sri Raja Ram and Sri Alok Roy were appointed as unskilled Carpenter Mazdoor and General Mazdoor and are working as such since their appointment. The said workmen are not entitled to be placed in Category IV as claimed by them. According to the recommendations of the Central Wage Board for the Coal Mining Industry, the said two workers are entitled to be placed in Category I and they have been rightly placed in Category I and paid accordingly."

In paragraph 7 of the said written statement it is stated that the two workmen are working as Carpenter Mazdoor and General Mazdoor respectively in Category I since their appointment as such and this will be conclusively established from the Service Record Card and 'B' Form Registers maintained in the ordinary course of business by the Employers and countersigned by the workmen concerned. The management further asserts that the two workmen have been respectively appointed and working as such uptil now as General Mazdoor, Raja Ram in Carpentary shop and they have been rightly, placed in Category I under the Coal wage Board Recommendations. The management also asserts that the workmen are not entitled to any relief.

4. For the Union its General Secretary Sri Vinay Kumar opened the case and for the management Mr. Monoj Kumar Mukherjee the learned Advocate. Mr. Mukherjee took certain preliminary points which go to the very root of the case and asked this Tribunal to decide those points first. The points are:

(i) The terms of reference as appearing in the Schedule do not admit of any consideration as to the scope and content of the clause "is justified in not giving category-IV wages to the said workmen"?

(ii) The workmen or the union espousing the cause of the workmen having had not taken the alleged dispute before the management previous to the union's approaching the Conciliation authority debars the dispute from being an industrial dispute within Section 2(k) of the Industrial Disputes Act, and as such, this Tribunal has no jurisdiction to entertain and adiudicate upon the dispute as referred to it for adjudication.

(iii) The Colliery Mazdoor Congress (Hind Mazdoor Panchayat) is not the union that espoused the cause of the alleged dispute of the workmen before the Conciliation authority, and as such, has no authority to represent the workmen in this proceeding under Section 36 of the Industrial Disputes Act.

5. Point (i): The terms of reference as appearing in the Schedule do not admit of any consideration as to the scope and content of the clause "is justified in not giving category-IV wages to the said workmen"?

The Schedule of reference reads as follows:

"Whether having regard to the nature of duties performed by Shri Raja Ram, Carpenter Mazdoor and Shri Aloke Roy, General Mazdoor, the management of Ranipur Colliery of Messrs Equitable Coal Company Limited, Post Office Saltore, District Purulia, is justified in not giving category-IV wages to the said workmen? If not, to what relief is the workmen entitled and from which date?"

The expression in the term of reference "is justified in not giving Category-IV wages to the said workmen" must be taken as it appears in the schedule without any addition or atleration. Mr. Mukherjee for the management submitted what was meant by the expression "Category-IV wages" as mentioned in the terms of reference, expressed in the schedule, could hardly be gathered from the terms themselves as in the schedule. The General Secretary of the Union Sri Vinay Kumar submitted that the expression "Category-IV wages" should be read as Category-IV, Appendix V, Volume II, page 47 of the Report of the Central Wage Board for Coal Mining Industry. To this Mr. Mukherjee replied that in finding out the meaning of the expression "is justified in not giving Category-IV wages" as appearing in the schedule to the reference so many words as had been stated by Sri Vinay Kumar were to be read into the terms of the reference and that, in that event, the expression should have been "is justified in not giving Category-IV wages of Appendix V, Volume II, p. 47 of the Report of the Central Wage Board for Coal Mining Industry". Mr. Mukherjee further submitted that at least without the words "Category-IV of the Report of the Central Wage Board for Coal Mining Industry" after the word "wages" in the schedule to the reference, this tribunal would not read all those words in the schedule to the reference after the words 'Category-IV wages' nor would add anything to what was appearing in the schedule to the reference. To this Sri Vinay Kumar submitted that it was the clerical error of the referring authority i.e. the Government, not to mention "Category-IV wages of the Report of the Central Wage Board for Coal Mining Industry" in the terms of the reference. That by not mentioning in the schedule to the reference after the words "Category-IV wages" the words of the Report of the Central Wage Board for Coal Mining Industry", the terms in the schedule to the reference have been patently vague and indefinite and cannot be considered within its scope to include "Category-IV wages of the Report of the Central Wage Board for Coal Mining Industry" needs no further discussion. Whether it is a clerical error or a material error, but that it is an error, had to be admitted by Sri Vinay Kumar. In the case of Dabur (Dr. S. K. Burman) (Private) Ltd., Deoghar and Their Workmen, report in 1967 II LLJ p. 863, the question of correction of a clerical error in the Schedule to the reference was considered by their Lordships of the Supreme Court. At page 865 of the Report their Lordships observed:

"We cannot see how any objection can be taken to the competence of the State Government to make a correction of a mere clerical error. The finding that it was a clerical error means that the Government in fact intended to make the reference to the labour court, Ranchi: but, while actually scribing the order of reference, a mistake was committed by the writer of putting down Patna instead of Ranchi. Such a clerical error can always be corrected and such a correction does not amount either to the withdrawal of the reference from, or cancellation of the reference to, the Labour court, Patna. The High Court was therefore right in rejecting the contention on behal of the appellant".

This decision lays down that only a clerical erro in the order of reference can be corrected by the ap propriate Government that refers the industrial dis pute for adjudication to a tribunal. But when ther is the error which is not clerical but material, in the Schedule to the order of reference, this tribunal can not add to or substract from the words that are ap pearing in the terms of the schedule to the order o reference. It is not a case where a clerical error ir the terms of the schedule to the order of reference has been corrected by the appropriate Government Taking the terms of reference and its scope as appear ing in the language used in the schedule, it is clea that after the words "Category-IV wages" if the word "of the Report of the Central Wage Board for Coa Mining Industry" are not appearing, the word "Category-IV wages" can have no earthly meaning and as such, it shall not be within the scope and con tent of the reference, as appearing in the terms of th schedule, to look into any of the provisions of the Re port of the Central Wage Board for Coal Mining In dustry. So, the reference itself suffers from its inhe rent vagueness and unintelligibility.

6. *Point (ii)*: The workmen or the union espousin the cause of the workmen having had not taken th alleged dispute before the management previous t the union's approaching the Conciliation authority de bars the dispute from being an industrial disput within Section 2 (k) of the Industrial Disputes Ac and as such this Tribunal has no jurisdiction to enter tain and adjudicate upon the dispute as referred t for adjudication. naF

The union did not file any rejoinder to the manage ment's written statement. It is specifically stated i paragraph 3 of the management's statement of cas that no dispute in respect of the subject matter of th present reference having been lodged with the Man agment before taking up the matter with conciliatio machinery by the Union of the workmen, the pre sent reference is not maintainable. To this statemer of the management no rejoinder was filed by the unio concerned. Sri Vinay Kumar, General Secretary o the Union submitted that the dispute was not require to raised before the management and was to be raise before the Conciliation officer and that the manage ment should have taken this objection before the Con ciliation officer. To this Mr. Mukherjee replied, rely ing on two decisions, one of the Supreme Court an the other of the Delhi High Court, viz., Sindhu Re settlement Corporation Limited, and Industrial Tribu nat, Gujarat and others, 1968 I LLJ page 834 an Fedders Lloyd Corporation Private Limited, and L Governor, Delhi and others, F.L.R. 1970 (20) pa 343, that in view of those two decisions the argumer advanced by Sri Vinay Kumar would hardly sustai A mere demand to a Government without a dispu being raised by the workmen or the union espousi the cause of the workmen with the employer canno become an industrial dispute as has been held in tho two decisions. Sri Vinay Kumar did not submit th at any time either the two workmen of the Union r presenting the two workmen in this proceeding apr roached the management and called upon the manang ment to remove the grievances of the two workmc and that the management refused to concede to th demand either made by the two workmen or by th union espousing the case of the workmen. Therefor a mere demand made by the union on behalf of th two workmen to the Government meaning the Conc liation officer falls within the mischief of the law inunciated by the two high authorities appearing the two decisions relied on by Mr. Mukherjee. There fore, the dispute as referred to for adjudication i this Tribunal is not an industrial dispute within Se tion 2(k) of the Industrial Disputes Act and th tribunal has no jurisdiction to entertain and adjud cate upon the matter referred to it.

*7. Point (iii)*: The Colliery Mazdoor Congress (Hind Mazdoor Panchayat) is not the union that espoused the cause of the alleged dispute of the workmen before the Conciliation authority and as such has no authority to represent the workmen in this proceeding under Section 36 of the Industrial Disputes Act.

The order of reference as received by this Tribunal, shows that the copy of the order was forwarded to the Superintendent, Dishergarh Group, Methani Colliery, P.O. Sitarampur, District Burdwan and to the General Secretary, Colliery Mazdoor Congress, Gorai Mansion, G.T. Road, P.O. Asansol, District Burdwan. General Secretary, Colliery Mazdoor Congress (IND), as the copy of the failure report shows, raised the dispute before the Conciliation officer. The notice of the reference was addressed to the General Secretary, Colliery Mazdoor Congress , Gorai Mansion, G.T. Road, Asansol. The written statement dated 16th December, 1971 received by this Tribunal on 28th/29th December, 1971 was filed and verified by Sri Vinay Kumar, General Secretary, Colliery Mazdoor Congress (Hind Mazdoor Panchayat), Gorai Mansion, G. T. Road, Asansol. On 6th June, 1972 Sri Vinay Kumar, General Secretary Colliery Mazdoor Congress, Regd. No. 965 affiliated to Hind Mazdoor Panchayat addressed a letter to this tribunal. In paragraphs 4 and 5 of their written statement the management asserted that the written statemen dated 16th December, 1971 filed on behalf of the workmen and verified under the pen of Sri Vinay Kumar as the General Secretary, Colliery Mazdoor Congress (HMP), Gorai Mansion ,G.T. Road, Asansol, was not of the union that raised the dispute before the Assistant Labour Commissionor, Central, Asansol, espousing the cause of the workmen concerned. The union that espoused the cause of the workmen concerned before the Assistant Labour Commissioner, Central, was Colliery Mazdoor Congress (Ind.) while the written statement on behalf of the workmen was sought to be represented by the Colliery Mazdoor Congress (Hind Mazdoor Panchayat) could be entertained as the latter is not a party to the dsipute under reference. It is further asserted in the next paragraph of the written statement of the management that the representation of the workmen by the union, namely the Colliery Mazdoor Congress (Hind Mazdoor Panchayat) and filing of the written statement on behalf of the workmen by the Colliery Mazdoor Congress (Hind Mazdoor Panchayat) could not be legally accepted. I have already observed that against the written statement of the management no rejoinder was submitted by the union that means the Colliery Mazdoor Congress (Hind Mazdoor Panchayat). So, the question arises as to who the union was that espoused the cause of the workmen before the Assistant Labour Commissioner, whether the Colliery Mazdoor Congress, or Colliery Madoor Congress (Hind Madoor Panchayat) or Colliery Madoor Congress (Ind.). To explain this anomolous situation and the definite assertion made by the management in its written statement, the Colliery Madoor Congress (Hind Madoor Panchayat) did not file any rejoinder. Sri Vinay Kumar at the time of argument submitted that the letters H.M.P. were abbreviations of Hind Madoor Panchayat and that Hind Mazdoor Panchayat was the Central Body to which the Colliery Mazdoor Congress was affiliated in November, 1971. He further submitted that the Colliery Mazdoor Congress mentioned in the schedule to the reference is the same as Colliery Mazdoor Congress (H.M.P.) He further submitted that at the time of the reference and during the conciliation proceedings as the Colliery Mazdoor Congress was not affiliated to any central body, it was then Colliery Mazdoor Congress (Ind.). After affiliation to the Central Body, i.e. Hind Mazdoor Panchayat in November 1971, the same Colliery Mazdoor Congress remained as it was, a duly registered union without any change except that it was affiliated in November, 1971 to the central body Hind Mazdoor Panchayat.

So, Sri Vinay Kumar submitted that the union, Colliery Mazdoor Congress espousing the cause of the workmen before the Conciliation officer was an independent body, that means, was not affiliated to any Central body upto November 1971 and that in November 1971 that independent body was affiliated to the Central body but the union continued to be the same. So, there could be no rationale in the contention of the management that Colliery Mazdoor Congress (Ind.) was not the same union as Colliery Mazdoor Congress (H.M.P.). Accordingly, Sri Vinay Kumar submitted that the written statement filed by the Colliery Mazdoor Congress (H.M.P.) and its representation of the workmen under Section 36(1)(a) of the Industrial Disputes Act had been perfectly legal. To illustrate his point Sri Vinay Kumar submitted that Colliery Mazdoor Congress affiliated to Hind Mazdoor Sabha is written as Colliery Mazdoor Congress (H.M.S.) while the Colliery Mazdoor Congress affiliated to Hind Mazdoor Panchayat is written as Colliery Mazdoor Congress (HMP) and that the two unions i.e. Colliery Mazdoor Congress (HMS) and Colliery Mazdoor Congress (HMP) were two different corporate entities, being affiliated to two different Central bodies. This illustration landed Sri Vinay Kumar to enormous difficulties. In reply, Mr. Mukherjee submitted a very astounding fact. He submitted that Colliery Mazdoor Congress Regd. No. 965 was affiliated to Hind Mazdoor Panchayat while Colliery Mazdoor Congress, Regd. No. 965 was affiliated to Hind Mazdoor Sabha and again Colliery Mazdoor Congress, Regd. No. 965 was affiliated to Congress (R). He submitted that his statement would be amply supported by the records of this tribunal and requested the tribunal to look into its records of other cases. The tribunal at once directed the office to produce off hand any records of pending reference and the office placed the record of a pending reference being No. 110 of 1971 for examination in the present reference. The record of Ref. No. 110 of 1971 was inspected when produced before the Tribunal from the office by Mr. Mukherjee and Sri Vinay Kumar. Mr. Mukherjee submitted that for each union there would be only one registration number and one registration certificate bearing that number, and that if three unions bore the same name and registration number, law would consider that none of the unions had been duly registered under the Trade Union Act of 1926. He drew my attention to Section 5 of the Trade Union Act. Section 5 speaks of application for registration of a trade union and other details as appearing therein. Section 8 speaks of registration of a trade union on the basis of its application. As soon as a union is registered under Section 8, it bears a registration number and gets its certificate of registration under Section 9 of the said Act. The Bengal Trade Union Regulations, Regulation 4 speaks of Form B. The form B of Regulation 4 of the Bengal Trade Union Regulations, 1927 shows that there shall be the name of the union, address of the Head office of the union and date of registration under the column Sl. number. Each union shall, therefore, have its own serial number which would be its registration number as in form B. Two unions cannot have the same registration number. Sections 5, 8 and 9 shall have to be read with Bengal Trade Union Regulation 1927 and Form B & C. Section 13 of the Trade Union Act speaks of incorporation of a registered trade union and says—"Every registered Trade Union shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal with power to acquire and hold both moveable and immoveable property and to contract, and shall by the said name sue and be sued "From the record of this tribunal the following situation arises. Colliery Mazdoor Congress, Congress (R), Colliery Mazdoor Congress (HMP) and Colliery Mazdoor Congress

(HMS), all are bearing the same registration No. 965. If the three such unions are three distinct and different corporations sole and three distinct and different legal entities under Section 13 of the Trade Union Act, each three entities shall have three different Registration numbers in view of the provisions of Section 5 read with Sections 8 and 9 and 13 of the Bengal Trade Union Act and Bengal Trade Union Regulation 4 of Trade Union Act. Mr. Mukherjee submitted that having regard to the statutory provisions under the Trade Union Act of 1926, particularly Sections 5, 8 and 9 and 13 and the Bengal Regulations, neither of the three Colliery Mazdoor Congress bearing the same registration number could be accepted as validly registered under the Trade Union Act. He submitted that Section 36(1)(a) of the Industrial Disputes Act, 1947 says that a workman who is a party to a dispute shall be entitled to be represented in any proceeding under the Act by an officer of a Registered Trade Union of which the workman is a member. Colliery Mazdoor Congress, as Mr. Mukherjee submitted, bearing the registration No. 965 cannot have three different and distinct corporate bodies and cannot be registered as three different corporate entities, such as the Colliery Mazdoor Congress, Congress (R), Colliery Mazdoor Congress (HMP) and Colliery Mazdoor Congress (HMS) bearing the registration number 965. Accordingly, he submitted that neither of the three unions could be lawfully considered as had been duly registered under Section 8 of the Trade Union Act, 1926 and in that event the Colliery Mazdoor Congress (HMP) bearing registration No. 965 would not within the scope of Section 36(1)(a) of the Industrial Disputes Act read with Sections 8 and 13 of the Trade Union Act and Bengal Regulation 4 of Bengal Trade Union Regulations be considered as validly registered trade union. So, its General Secretary was not entitled to file on behalf of the workmen either the written statement or to represent the workmen in this dispute. Mr. Vinay Kumar submitted that the argument of Mr. Mukherjee was beside the point. The management contended that Colliery Mazdoor Congress (Ind.) was not the same juridical entity as Colliery Mazdoor Congress (HMP) while Colliery Mazdoor Congress (Ind.) contended that it was the same entity as the Colliery Mazdoor Congress (HMP). But, as I have already observed, Sri Vinay Kumar created his own difficulty while illustrating that Colliery Mazdoor Congress (HMS) and Colliery Mazdoor Congress (HMP) though being two different corporate entities, passed by the same name although the one was affiliated to Hind Mazdoor Sabha and the other to Hind Mazdoor Panchayat. In counteracting this argument illustrating the two different corporate entities of Colliery Mazdoor Congress, Mr. Mukherjee pointed out that bearing the same name Colliery Mazdoor Congress and the same registration No. 965 they were apparenty three unions, and that the reference against the name of the union of it having had been affiliated to a federation of unions as that as H.M.P. or H.M.S. or Congress (R) could not alter the name of the union itself nor its registered number. Mr. Mukherjee drew my attention to Section 7 of the Trade Union Act, Sub-section (2) of that Section reads as follows:

> "If the name under which a Trade Union is proposed to be registered is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall require the persons applying for registration to alter the name of the Trade Union stated in the application, had shall refuse to register the Union until such alteration has been made."

He drew my attention to Section 5 of the Trade Union Act, 1926. Section 5, sub-section (1) clause (b) says that every application for registration of a trade union shall be made to the Registrar and shall be accompanied by copy of the rules of the Trade Union and a statement of the following particulars, namely:

(a) the names, occupations and addresses of the members making the appication;

(b) the name of the Trade Union and the address of its head office; and

(c) the titles, names, ages, addresses and occupation of the office-bearers of the Trade Union.

The three trade unions Colliery Mazdoor Congress, bear the same registration number 965, but with the different address of the respective Head offices, such as: Colliery Mazdoor Congress, Congress (R), is of Ushagram, Colliery Mazdoor Congress (Hind Mazdoor Panchayat), is of Garai Mansion, G.T. Road, Asansol, and Colliery Mazdoor Congress (HMS), is of Mohd. Hossain Street, Bengal Hotel, P.O. Asansol, Dist. Burdwan. The name of the union, be it affiliated to Congress (R), or H.M.S. or H.M.P. is Colliery Mazdoor Congress and the registration number of the Colliery Mazdoor Congress is one i.e. 965 Section 5 of the Trade Union Act does not say that the trade union would bear a name with its affiliation to a Federation of Union Section 2 clause (h) of the Trade Union Act defines Trade Union which means any combination whether temporary or permanent formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and *includes any federation of two or more Trade Unions* Now, Federation of two or more trade unions is a Trade Union and that Federation, if to be registered, shall have to apply under Section 5 of the Trade Union Act, and that a Federation of unions shall bear a name which is the name of the Trade Union as contemplated by Section 5(b) of the Trade Union Act. Such a Federation of Trade Union, if it complies with the provisions of Sections 5, 6 and 7 of the Act, may be registered under Section 8 of the Trade Union Act, 1926. Whether a trade union is affiliated to X Federation or Y Federation is of no legal importance. The question is what is the name fo the trade union, but not what is the affiliation of a trade union to a Federation of Trade Unions. Any Federation of trade unions is a Trade Union, and that has got to be registered bearing the name of the union if it is a Federation of any two or more unions. The abbreviation Congress (R), H.M.S. or H.M.P. against the name of the union Colliery Mazdoor Congress do not change the name of such union having such affiliative indications. Therefore, in view of Section 5 clause (b) read with sub-section (2) of Section 7 of the Trade Union Act, 1926, the three trade unions bearing the same name Colliery Mazdoor Congress and same registration number 965 have been registered as such, no matter to which of the Federations each of such trade unions bearing the name Colliery Mazdoor Congress with registered No. 965 has been affiliated. Sri Vinay Kumar submitted that affiliation and the address of the three trade unions, Colliery Mazdoor Congress, Congress (R), Colliery Mazdoor Congress (HMS) and Colliery Mazdoor Congress (HMP) indicated three different corporate entities and three different registered trade unions but his submission is against the law. Every trade union must bear its own registration number and no two trade unions can bear the same registration number within a State or even within India, depending on the jurisdiction of the Registrar who is to register

a particular trade union situated within the area over which such Registrar of trade unions is to exercise its jurisdiction. In the present case, we find the existence of apparently three trade unions bearing the same name and the same registration number situated within the jurisdiction of the Registrar of Trade Unions, West Bengal, irrespective of the question of affiliation of such trade unions to a particular Federation of Trade Unions. In the circumstances thus revealed in this proceeding, I cannot hold that the trade union bearing the name Colliery Mazdoor Congress said to be affiliated to Hind Mazdoor Panchayat bearing registration No. 965 is a duly registered trade union having its corporate existence under Section 13 of the Trade Union Act. Therefore, the Colliery Mazdoor Congress, bearing the Registration No. 965 with the address Garai Mansion, G.T. Road, Asansol, Burdwan that purported to have had espoused the cause of the workmen and claims to represent the workmen in this proceeding is *not a duly registered Trade Union and as such it cannot represent the workmen in this proceeding.*

8. In view of my findings on the points formulated above, this Tribunal has no jurisdiction to entertain and adjudicate upon the reference which does not cover an industrial dispute under Section 2(k) of the Industrial Disputes Act, 1947 and as such, the reference is rejected.

This is my award.

*Dated, 18th July, 1972.*

(Sd.) S. N. Bagchi,
*Presiding Officer.*

[No. I/19012/50/71-LRII.]

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ORDERS

*New Delhi, the 4th April 1972*

**S.O. 2224.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Chinakuri 1/2 Pits Colliery of Messrs Bengal Coal Company Limited, Post Office Dishergarh, District Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Chinakuri 1/2 Pits Colliery of Messrs Bengal Coal Company Limited, in dismissing Shri Koileswar Koiri, Sand Flusher, by management's letter dated the 12th October, 1971, is justified? If not, to what relief is the workman entitled?"

[No. F. L/19012(1)/72-LRII.]

**(श्रम और रोजगार विभाग)**

**आदेश**

नई दिल्ली, 4 अप्रैल 1972

**का० आ० 2224.**—यतः केन्द्रीय सरकार की राय है कि इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स बंगाल कोल कम्पनी लिमिटेड की चिनाकुरी 1/2 पिट्स कोलियरी, डाकघर दिशेरगढ़, जिला बर्दवान के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच में एक औद्योगिक विवाद विद्यमान है ।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशन करती है ।

**अनुसूची**

"क्या मैसर्स बंगाल कोल कम्पनी लिमिटेड की चिनाकुरी 1/2 पिट्स कोलियारी के प्रबन्ध मंडल की श्री कोइलेश्वर कोयरी, सैंड फलशयर को, प्रबन्ध मंडल के तारीख 12 अक्टूबर 1971, के मंडल पत्र द्वारा पदच्युत करने की कार्यवाही न्यायोचित है ? तो कर्मकार किस अनुतोष का हकदार है ?

[सं० एल०-19012(1)/72 एल०आर०-2]

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*CORRIGENDUM*

*New Delhi, the 27th April, 1972*

**S.O. 2225.**—In the Order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. No. 1184 dated the 19th February, 1971, published on page 1445 of the Gazette of India, Part II Section 3 Sub-section (ii) dated the 20th March, 1971, *for* "Loading Supervisor" appearing in the forth line of the Schedule *read* "Assistant Loading Clerk."

[No. 6/50/70-LRII.]

[KARNAIL SINGH, Under Secy.

**शुद्धि पत्र**

नई दिल्ली, 27 अप्रैल, 1972

**का० आ० 2225.**—भारत के राजपत्र के भाग 2, खण्ड 3, उपखण्ड (ii) दिनांक 20 मार्च, 1971 के पृष्ठ 1445 और 1446 पर प्रकाशित, श्रम रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) का० आ० संख्या 1184 दिनांक 19 फरवरी, 1971 में भारत सरकार के आदेश की अनुसूची की तीसरी और चौथी पंक्तियों में प्रकाशित "लोडिंग सुपरवाइजर" के स्थान पर "सहायक लोडिंग लिपक" पढ़ें ।

[सं० 6/50/70-एल० आर०-2]

करनैल सिंह, अवर सचिव ।

**(Department of Rehabilitation)**

**(Office of the Chief Settlement Commissioner)**

*New Delhi, the 6th May 1972*

**S.O. 2226.**—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Punjab, the Superintendent (Gazetted) in the Rehabilitation Department of the State Government of Punjab as Assistant Custodian of Evacuee Property for the purpose of discharging the duties imposed on such Custodian by or under the said Act with immediate effect.

[No. 1(33)/Spl.Cell/CSC/71.]

D. N. ASIJA, Under Secy.

**(पुनर्वास विभाग)**

**मुख्य बन्दोबस्त आयुक्त का कार्यालय**

नई दिल्ली, 6 मई, 1972

**का० आ०** 2226.—निष्क्रान्त सम्पत्ति का प्रशासन अधिनियम 1950 (1950 का 31) की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा पंजाब राज्य के पुनर्वास विभाग में अधीक्षक (राजपत्रित) को पंजाब राज्य के लिए तत्काल प्रभाव से सहायक अभिरक्षक निष्क्रान्त सम्पति के रूप में उक्त अधिनियम के द्वारा या उसके अन्तर्गत ऐसे अभिरक्षकों को सौंपे गए कार्यों को सम्पादित करने के उद्देश्य से नियुक्त करती है।

[संख्या 1 (33)/विशेष सैल/मु० ब० आ०/71]

डी० एन० असीजा, अवर सचिव।

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**(Department of Labour and Employment)**

*New Delhi, the 29th July 1972*

**S.O. 2227.**—The following draft of a Scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Empolyment) Amendment Scheme, 1972.

2. In the Calcutta Dock Workers (Regulation of Employment Scheme 1970, in item (j) of sub-clause (1) of clause 10, for the words "rupees six hundred", the following words shall be substituted, namely:—

"rupees eight hundred".

[No. S. 68018/1/71-P&D(i).]

**(श्रम और रोजगार विभाग)**

नई दिल्ली, 29 जुलाई, 1972

**का० आ०** 2227.—कलकत्ता डाक कर्मकार (नियोजक का विनियमन) स्कीम 1970 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथाअपेक्षित तद्द्वारा संभावतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है, एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर, 1972 को या के पश्चात् विचार किया जाएगा;

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व किसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जायेगा।

**प्रारूप स्कीम**

1 यह स्कीम कलकत्ता डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम 1972 कही जा सकेगी।

2 कलकत्ता डाक कर्मकार (नियोजन का विनियमन) स्कीम 1970 में खंड 10 के उपखंड (1) की मद (ज) में "छह सौ रुपये" शब्दों के स्थान पर निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे, अर्थात् :—"आठ सौ रुपये"

[सं० एस०-68018/1/71-पी० एन्ड डी० (आई०)]

**S.O. 2228.**—The following draft of a Scheme further to amend the Calcutta Chipping and Pointing Workers (Regulation of Employment) Scheme, 1970 which the Central Government proposes to make in exercise of the powers conferred by sub-section (i) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Calcutta Chipping and Painting Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Calcutta Chipping and Pointing Workers (Regulation of Employment) Scheme, 1970 in item (j) of sub-clause (1) of clause 10, for the words "rupees six hundred" the following words shall be substituted, namely:—

"rupees eight hundred".

[No. S. 68018/1/71-P&D(ii).]

**का० आ० 2228.**—कलकत्ता छीलन और रंगरोगन (नियोजन का विनियमन) स्कीम 1970 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथापेक्षित एतद्द्वारा संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है; और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर, 1972 को या के पश्चात् विचार किया जाएगा ;

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व किसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

**प्रारूप स्कीम**

1 यह स्कीम कलकत्ता छीलन और रंगरोगन कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 कही जा सकेगी ।

2 कलकत्ता छीलन और रंगरोगन (नियोजन का विनियमन) स्कीम 1970 में खंड 10 के उपखंड (1) की मद (ज) में "छह सौ रुपये" शब्दों के स्थान पर निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे, अर्थात् :—

"आठ सौ रुपये"

[सं० एस–68018(1)/71–पी० एन्ड डी० (ii)]

**S.O. 2229.**—The following draft of a Scheme further to amend the Calcutta Dock Clerical and Supervisory Workers (Regulation of Employment) Scheme, 1970 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected hereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Calcutta Dock Clerical and Supervisory Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Calcutta Dock Clerical and Supervisory Workers (Regulation of Employment) Scheme 1970, in item (h) of sub-clause (1) of clause 9, for the words "rupees six hundred", the following words shall be substituted, namely:—

"rupees eight hundred".

[No. S. 68018/1/71-P&D(iii).]

**का० आ० 2229.**—कलकत्ता डाक लिपिकीय और पर्यवेक्षक कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा (4) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उप-धारा द्वारा यथाअपेक्षित तद्द्वारा संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर, 1972 को या के पश्चात् विचार किया जाएगा ;

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व किसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

**प्रारूप स्कीम**

1 यह स्कीम कलकत्ता डाक लिपिकीय और पर्यवेक्षक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 कही जा सकेगी ।

2 कलकत्ता डाक लिपिकीय और पर्यवेक्षक कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में, खंड 9 के उपखंड (1) की मद (ज) में "छह सौ रुपये" शब्दों के स्थान पर निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे, अर्थात्:—

"आठ सौ रुपए"

[सं० एस–68018(1)/71–पी० एण्ड डी० (iii)]

**S.O. 2230.**—The following draft of a Scheme further a to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1956 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), in published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Bombay Dock Workers (Regulation of Employment Scheme, 1956 in clause 9, in sub-clause (1) in item (j)—

(a) in sub-item (i) for the letters and figures "Rs. 600" the words "rupees eight hundred" shall be substituted;

(b) in sub-item (ii), for the letters and figures "Rs. 600" the words "rupees eight hundred" shall be substituted.

[No. S. 68018/1/71-P&D(iv).]

**का० आ० 2230.**—मुम्बई डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथाअपेक्षित तद्द्वारा संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है ; एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर, 1972 को या के पश्चात् विचार किया जाएगा;

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व किसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

**प्रारूप स्कीम**

1. यह स्कीम मुम्बई डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 कही जा सकेगी ।

2. मुम्बई डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में, खंड 9 के उपखंड (1) की मद (अ) में—

(क) उप-मद (i) में "600 रुपये" अंकों और शब्दों के स्थान पर "आठ सौ रुपए" शब्द प्रतिस्थापित किए जाएंगे;

(ख) उपमद (ii) में "600 रु०" अंकों और शब्दों के स्थान पर "आठ सौ रुपए" शब्द प्रतिस्थापित किए जाएंगे ।

[सं० एस०-68018/1/71-पी० एण्ड० डी० (iv)]

**S.O. 2231.**—The following draft of a Scheme further to amend the Bombay Chipping and Painting Workers (Regulation of Employment) Scheme, 1969 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Bombay Chipping and Painting Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Bombay Chipping and Painting Workers (Regulation of Employment) Scheme, 1969, in sub-items (i) and (ii) of item (j) of sub-clause (1) of clause 9, for the words "rupees six hundred" the following words shall be substituted, namely:—

"rupees eight hundred".

[No. S. 68018/1/71-P&D(v).]

**का० आ० 1231.**—मुम्बई छीलन और रंगरोगन कर्मकार (नियोजन का विनियमन) स्कीम, 1969 में और आगे संशोधन करने के लिए स्कीम, का निम्नलिखित प्रारूप, जिस केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथाअपेक्षित तद्द्वारा संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है ; और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर, 1972 को या के पश्चात् विचार किया जाएगा ;

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व किसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

**प्रारूप स्कीम**

1. यह स्कीम मुम्बई छीलन और रंगरोगन कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 कही जा सकेगी ।

2. मुम्बई छीलन और रंगरोगन कर्मकार (नियोजन का विनियमन) स्कीम, 1969 में, खंड 9 के उपखंड (1) की मद (अ) में "छह सौ रुपए" शब्दों के स्थान पर निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे, अर्थात्:—

"आठ सौ रुपए"

[सं० एस-68018/1/71-पी एण्ड डी(v)]

**S.O. 2232.**—The following draft of a Scheme further to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972.

Any objections or suggestions which may be received from any person with respect to the said draft before the dates so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Madras Dock Workers (Regulation of Employment) Scheme 1956, in item (j) of sub-clause (1) of clause 9, for the words "rupees six hundred" the following words shall be substituted, namely:—

"rupees eight hundred".

[No. S. 68018/1/71-P&D(vi).]

**का०आ० 2232.**—मद्रास डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथाअपेक्षित तद्द्वारा संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है; और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर, 1972 को या के पश्चात् विचार किया जाएगा;

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व किसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

**प्रारूप स्कीम**

1. यह स्कीम मद्रास डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 कही जा सकेगी ।

2. मद्रास डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में, खंड 9 के उपखंड (1) की मद (ज) में "छह सौ रुपए" शब्दों के स्थान पर निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे, अर्थात् :—

"आठ सौ रुपए"

[सं० एस-68018/1/71—पी० एण्ड डी० (vi)]

**S.O. 2233.**—The following draft of a Scheme further to amend the Cochin Dock Workers (Regulation of Employment) Scheme, 1959 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, in item (j) of sub-clause (1) of clause 9, for the words "rupees six hundred" the following words shall be substituted, namely:—

"rupees eight hundred".

[No. S. 68018/1/71-P&D(vii).]

**का० आ० 2233.**—कोचीन डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है उक्त उपधारा द्वारा यथाअपेक्षित तद्द्वारा संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है; और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर, 1972 को या के पश्चात् विचार किया जाएगा;

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व किसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

**प्रारूप स्कीम**

1. यह स्कीम कोचीन डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 कही जा सकेगी ।

2. कोचीन डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 में, खंड 9 के उपखंड (1) की मद (ज) "छह सौ रुपए" शब्दों के स्थान पर निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे, अर्थात् :—

"आठ सौ रुपए"

[सं० एस०-68018/1/71-पी० एण्ड डी० (vii)]

**S.O. 2234.**—The following draft of a Scheme further to amend the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Visakhapatnam Dock Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959, in item (j) of sub-clause (1) of clause 9, for the words "rupees six hundred" the following words shall be substituted, namely:—

"rupees eight hundred".

[No. S. 68018/1/71-P&D(viii).]

**का०आ० 2234.**—विशाखापटनम डाक कर्मचारी (नियोजन का विनियमन) स्कीम, 1959 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथाअपेक्षित तद्द्वारा संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है; और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर, 1972 को या के पश्चात् विचार किया जाएगा;

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व किसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

**प्रारूप स्कीम**

1. यह स्कीम विशाखापटनम डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 कही जा सकेगी ।

2. विशाखापटनम डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 में खंड 9 के उपखंड (1) की मद (ज) में "छह सौ रुपए" शब्दों के स्थान पर निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे, अर्थात् :—

"आठ सौ रुपए"

[सं० एस-68018/1/71—पी एण्ड डी (viii)]

**S.O. 2235.**—The following draft of a Scheme further to amend the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Mormugao Dock Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, in sub items (i) and (ii) of item (j) of sub-clause (1) of clause 10 for the words "rupees six hundred" the following words shall be substituted, namely:—

"rupees eight hundred."

[No. S. 68018/1/71-P&D(ix).]

**का० आ० 2235.**—मामूगांव डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1965 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) का अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथाअपेक्षित एतद्द्वारा संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है, और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर 1972 को या के पश्चात् विचार किया जाएगा;

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व किसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

**प्रारूप स्कीम**

1. यह स्कीम मार्मुगांव डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 कही जा सकेगी।

2. मार्मुगांव डाक कर्मकार (नियोजन का विनियमन) 1965 में, खंड 10 के उपखंड (1) की मद (अ) में "छह सौ रुपये" शब्दों के स्थान पर निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे, अर्थात :—

"आठ सौ रुपए"

[सं० एस-6801 8/1/72-पी०एण्ड डी० (ix)]

**S.O. 2236.**—The following draft of a Scheme further to amend the Kandla Dock Workers (Regulation of Employment) Scheme, 1969 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972,

Any objections or suggestion which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Kandla Dock Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Kandla Dock Workers (Regulation of Employment) Scheme, 1969 in sub-items (i) and (ii) of item (j) of sub-clause (1) of clause 10, for the words "rupees six hundred" the following words shall be substituted, namely:—

"rupees eight hundred".

[No. S. 68018/1/71-P&D(x).]

**का०आ० 2236.**—कांडला डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1969 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथाअपेक्षित तद्द्वारा संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर, 1972 को या के पश्चात् विचार किया जाएगा ;

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व पशकिसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

**प्रारूप स्कीम**

1. यह स्कीम कांडला डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 कही जा सकेगी ।

2. कांडला डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1969 में, खंड 10 के उपखंड (1) की मद (अ) में "छह सौ रुपए" शब्दों के स्थान पर निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे अर्थात्:—

"आठ सौ रुपए"

[सं० एस-6801/8/1/71-पी०एण्ड डी०(X)]

**S.O. 2237.**—The following draft of Scheme further to amend the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968, in item (h) of sub-clause (1) of clause 9, for the words "rupees six

hundred" the following words shall be substituted, namely:—

"rupees eight hundred".

[No. S. 68018/1/71-P&D(xi).]

**का० आ० 2237.**—विशाखापटनम अरजिस्ट्रीकृत डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती उक्त उपधारा द्वारा यथा अपेक्षित तद्द्वारा संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है; और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर, 1972 को या के पश्चात् विचार किया जाएगा;

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व किसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

**प्रारूप स्कीम**

1. यह स्कीम विशाखापटनम अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 कही जा सकेगी ।

2. विशाखापटनम अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में, खंड 9 के उपखण्ड (1) की मद (ज) में "छह सौ रुपए" शब्दों के स्थान पर निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे, अर्थात्:—

"आठ सौ रुपए"

[सं० एस-68018/1/71-पी० एण्ड डी० Xi]

**S.O. 2238.**—The following draft of a Scheme further to amend the Kandla Unregistered Dock Workers (Regulation of Employment) Scheme, 1968 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1972.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Kandla Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Kandla Unregistered Dock Workers (Regulation of Employment) Scheme, 1968 in item (c) of sub-clause (1) of clause 7, for the words "rupees six hundred" the following words shall be substituted, namely:—

"rupees eight hundred".

[No. S. 68018/1/71-P&D(xii).]

V. SANKARALINGAM, Under Secy.

**का० आ० 2238.**—कांडला अरजिस्ट्रीकृत डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथाअपेक्षित तद्द्वारा संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है; और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर 15 सितम्बर, 1972 को या के पश्चात् विचार किया जाएगा ।

उक्त प्रारूप के बारे में इस प्रकार विनिर्दिष्ट तारीख से पूर्व किसी भी व्यक्ति से जो सुझाव या आक्षेप प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

**प्रारूप स्कीम**

1. यह स्कीम कांडला अरजिस्ट्रीकृत डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 कही जा सकेगी ।

2. कांडला अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में, खंड 7 के उपखंड (1) की मद (ङ) में, "छह सौ रुपए" शब्दों के स्थान पर निम्नलिखित शब्द प्रतिस्थापित किए जाएंगे, अर्थात्:—

"आठ सौ रुपए"

[सं० एस-68018/1/71-पी० एण्ड डी० (Xii)]

वी० शंकरालिंगम, अवर सचिव ।

## MINISTRY OF STEEL AND MINES

**(Department of Mines)**

*New Delhi, the 10th July 1972*

**S.O. 2239.**—In exercise of the powers conferred by sub-section (1) of Section 11 of the Metal Corporation of India (Acquisition of Undertaking) Act, 1966 (36 of 1966), the Central Government hereby extends upto the 28th July, 1973, the period within which the Tribunal appointed by the Government of India in the Ministry of Steel and Mines (Ispat aur Khan Mantralaya) (Department of Mines—Khan Vibhag) by notification No. S.O. 5253, dated the 29th November, 1971, shall make its report to the Central Government.

[No. 7(1)/71-Met.II.]

M. S. BHATNAGAR, Under Secy.

## इस्पात और खान मंत्रालय

**(खान विभाग)**

नई दिल्ली, 10 जुलाई, 1972

**एस० ओ० 2239.**—मेटल कारपोरेशन आफ इण्डिया (उपक्रम का अर्जन) अधिनियम, 1966 (1966 का 36) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, उस अवधि को, जिसके अन्दर भारत सरकार द्वारा इस्पात और खान मंत्रालय (खान विभाग) की अधिसूचना संख्या का०आ० 5253, तारीख 29 नवम्बर, 1971 द्वारा नियुक्त अधिकरण अपनी रिपोर्ट केन्द्रीय सरकार को प्रस्तुत करेगा, एतद्द्वारा 28 जुलाई, 1973 तक विस्तारित करती है ।

[संख्या 7(1)/71-धातु II]

महेन्द्र स्वरूप भटनागर, अवर सचिव ।

## MINISTRY OF FOREIGN TRADE

*New Delhi, the 12th August, 1972*

(MARINE PRODUCTS INDUSTRY DEVELOPMENT CONTROL)

**S. O. 2240.**—In exercise of the powers conferred by section 4 of the Marine Products Export Development Authority Act, 1972 (13 of 1972), the Central Government hereby establishes for the purposes of the said Act, an Authority to be called the Marine Products Export Development Authority with effect from 16th August 1972 with Headquarters at Cochin (Kerala State), consisting of the following persons, namely :—

| | | | |
|---|---|---|---|
| 1. | Shri Mohammad Yunus, Special Secretary, Ministry of Foreign Trade, New Delhi. | Chairman | |
| 2. | Shri K. Chidambaram, Director of Marine Products Export Development. | Member (ex-officio) | |
| 3. | Shri C. Janardhanan, Member, Lok Sabha Mannediar Lane, Trichur (Kerala). | Member | } Elected by the Lok Sabha. |
| 4. | Shri D. Ramakashiah, Member, Lok Sabha, Atmakur, Atmakur (TQ), Nellore Distt. (AP) | Member | |
| 5. | Shri K. P. Subramania Menon, Member, Rajya Sabha Navakal, *via* Cochin, Ernakulam District Kerala. | Member | Elected by the Rajya Sabha. |
| 6. | Shri Godwin Rose, Joint Secretary, Department of Agriculture, Ministry of Agriculture, New Delhi. | Member | To represent the Ministry of Agriculture. |
| 7. | Shri V. U. Eradi, Deputy Secretary, Department of Economic Affairs, Ministry of Finance, New Delhi. | Member | To represent the Ministry of Finance. |
| 8. | Shri V. P. Sawhney, Director, Ministry of Foreign Trade, New Delhi. | Member | To represent the Ministry of Foreign Trade |
| 9. | Shri S. Ramaswamy, Officer on Special Duty, D.G.T.D., Ministry of Industrial Development, New Delhi. | Member | To represent the Ministry of Industial Development. |
| 10. | Shri D. N. Phull, Deputy Director General of Shipping, Directorate General of Shipping, Bombay. | Member | To represent the Ministry of Shipping & Transport. |
| 11. | Director of Fisheries, Government of Andhra Pradesh, Hyderabad (Andhra Pradesh). | Member | To represent the Government of Andhra Pradesh. |
| 12. | Commissioner of Fisheries, Government of Gujarat, Gandhinagar, Ahmedabad (Gujarat). | Member | To represent the Government of Gujarat. |
| 13. | Development Secretary, Government of Kerala, Trivandrum (Kerala). | Member | To represent the Government of Kerala. |
| 14. | Secretary, Department of Agriculture & Cooperation, Government of Maharashtra, Bombay. | Member | To represent the Government of Maharashtra. |
| 15. | Director of Fisheries, Government of Mysore, Bangalore (Mysore) | Member | To represent the Government of Mysore. |
| 16. | Secretary to the Government of Orissa, Bhubaneswar (Orissa) | Member | To represent the Government of Orissa. |
| 17. | Director of Fisheries, Government of Tamil Nadu, Madras (Tamil Nadu) | Member | To represent the Government of Tamil Nadu. |
| 18. | Secretary, Department of Fisheries, Government of West Bangal, Calcutta. | Member | To represent the Government of West Bengal |
| 19. | Directorate of Fisheries, Government of Goa, Panaji. | Member | To represent he Government of Goa, Daman and Diu. |
| 20. | Shri R. Madhavan Nair, M/s. Cochin Co., Ernakulam (Kerala) | Member | To represent the owners of processing plants, storage, trade. |
| 21. | Shri Vincent Fernis, M/s Oceanic Products Exporting Co., Kavanadu, P. O. Quilon (Kerala) | Member | To represent owners of fishing vessels and fishermen and plants. |
| 22. | Shri C. Cherian M/s. Mulbury Acquatic Products Ltd., Kankanady, Mangalore-2. | Member | To represent processing plants, storage and conveyance persons employed. |
| 23. | Shri S.B.S. Mani, Gujarat Fisheries Central Cooperative Association, Ahemadabad (Gujarat). | Member | To represent the fisher men, dealers and persons employed in fishing industry. |
| 24. | Shri Syed Ibrahim. M/s. Indo-Icelandic Fisheries, Ltd., Madras | Member | To represent the owners of Deep Sea Fishing Vessels and processing plants. |
| 25. | Shri Joseph, M/s. George Muljo Co., Cuddalore, Tamil Nadu | Member | To represent the owners of processing plants and trade. |
| 26. | Shri K.M.K. Naidu, M/s. Eastcost Seafoods Tada (Andhra Pradesh). | Member | To represent the processing plants and conveyances. |
| 27. | Dr. V.K. Pillai, Director, Central Institute of less Fisheries Technology, Ernakulam, Cochin. | Member | To represent the interests of persons employed in research institutions engaged in the researches connected with marine products industry. |
| 28. | A representative of interests of persons employed in the marine products industry. | Member | (Will be announced later). |
| 29. | Shri M.V. Thomas, M/s. Dennis & Thomas, Cochin-5. | Member | To represent fishermen, industry, trade and persons employed in fishing industry. |

30. Shri M.K.K. Nayar, Planning Commission, New Delhi. Member Other interests.

2. The Chairman and the other members of the Marine Products Export Development Authority named above, other than the *ex-officio* members shall hold office upto 15 August, 1975.

[No. F. 5/14/72-EP (AGRI - II)]
K.V. PALASUBRAMANIAM, Under Secy.

**विदेश व्यापार मंत्रालय**

नई दिल्ली, 12 अगस्त, 1972

(समुद्री उत्पाद उद्योग विकास नियंत्रण)

**का० आ० 2240.**—समुद्री उत्पाद निर्यात विकास प्राधिकारी अधिनियम, 1972 (1972 का 13) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के प्रयोजनार्थ समुद्री-उत्पाद निर्यात विकास प्राधिकारी नामक प्राधिकरण, जिसका मुख्यालय कोचीन (केरल राज्य) में होगा, 16-8-72 से एतद्द्वारा निम्नलिखित व्यक्तियों को मिलाकर गठित करती है, अर्थात् :—

| | | | |
|---|---|---|---|
| 1 | श्री मोहम्मद दयनुस, विशेष सचिव, विदेश व्यापार मंत्रालय, नई दिल्ली । | अध्यक्ष | |
| 2 | श्री के० चिदम्बरम, निदेशक, समुद्री उत्पाद निर्यात विकास | सदस्य (पदेन) | |
| 3 | श्री सी० जनार्धनन, सदस्य लोक सभा, मेनदयार लेन, त्रिचुर (केरल) । | सदस्य | लोक सभा द्वारा निर्वाचित |
| 4 | श्री डी० कमकशाहिया, सदस्य, लोक सभा, आत्माकुर, आत्माकुर तालुक, जिला नैल्लोर (आंध्र प्रदेश) । | सदस्य | |
| 5 | श्री के० पी० सुब्रामनिया मैनन, सदस्य, राज्य सभा, नावाकल, वायां कोचीन, जिला एर्नाकुलम, केरल । | सदस्य | राज्य सभा द्वारा निर्वाचित |
| 6 | श्री गौडविन रोस, संयुक्त सचिव, कृषि विभाग, कृषि मंत्रालय, नई दिल्ली । | सदस्य | कृषि मंत्रालय का प्रतिनिधित्व करने के लिए |
| 7 | श्री वी० यू० इराडी, उप-सचिव, अर्थ कार्य विभाग, वित्त मंत्रालय, नई दिल्ली । | सदस्य | वित्त मंत्रालय का प्रतिनिधित्व करने के लिए |
| 8 | श्री वी० पी० साहनी, निदेशक, विदेश व्यापार मंत्रालय, नई दिल्ली । | सदस्य | विदेश व्यापार मंत्रालय का प्रतिनिधित्व करने के लिए । |
| 9 | श्री एस० रामास्वामी, विशेष कार्य अधिकारी, डी० जी० टी० डी० औद्योगिक विकास मंत्रालय, नई दिल्ली । | सदस्य | औद्योगिक विकास मंत्रालय का प्रतिनिधित्व करने के लिए । |
| 10 | श्री डी० एन० फुल, उप महानिदेशक, नौवहन, नौवहन महानिदेशालय, बम्बई । | सदस्य | नौवहन और परिवहन मंत्रालय का प्रतिनिधित्व करने के लिए । |
| 11 | मत्स्य निदेश, आंध्र प्रदेश सरकार, हैदराबाद (आंध्र प्रदेश) | सदस्य | आंध्र प्रदेश सरकार का प्रतिनिधित्व करने के लिए । |
| 12 | मत्स्य आयुक्त, गुजरात सरकार, गांधी नगर, अहमदाबाद (गुजरात) । | सदस्य | गुजरात सरकार का प्रतिनिधित्व करने के लिए |
| 13 | विकास सचिव, केरल सरकार त्रिवेन्द्रम (केरल) | सदस्य | केरल सरकार का प्रतिनिधित्व करने के लिए |
| 14 | सचिव, कृषि और सहकारिता विभाग, महाराष्ट्र सरकार, बम्बई (महाराष्ट्र) । | सदस्य | महाराष्ट्र सरकार का प्रतिनिधित्व करने के लिए । |
| 15 | मत्स्य-निदेशक, मैसूर सरकार, बगलौर (मैसूर) | सदस्य | मैसूर सरकार का प्रतिनिधित्व करने के लिए |
| 16 | सचिव, उड़ीसा सरकार, भुवनेश्वर (उड़ीसा) । | सदस्य | उड़ीसा सरकार का प्रतिनिधित्व करने के लिए |
| 17 | मत्स्य-निदेशक, तमिलनाडु सरकार, मद्रास (तमिलनाडु) । | सदस्य | तमिलनाडु सरकार का प्रतिनिधित्व करने के लिए । |

| | | | |
|---|---|---|---|
| 18 | सचिव, मत्स्य विभाग, पश्चिमी बंगाल सरकार, कलकत्ता (पश्चिमी बंगाल) । | सदस्य | पश्चिमी बंगाल सरकार का प्रतिनिधित्व करने के लिए । |
| 19 | मत्स्य निदेशक, गोआ सरकार, पनाजी । | सदस्य | गोआ, दमन तथा दीव सरकार का प्रतिनिधित्व करने के लिए । |
| 20 | श्री आर० माधवन नायर, मैसर्स कोचीन कं०, एर्नाकुलम (केरल) । | सदस्य | प्रौसैसिंग लांट्स भंडार करण, व्यापार के स्वामियों का प्रतिनिधित्व करने के लिए । |
| 21 | श्री विन्सेंट फर्नेस, मैसर्स ओशनिक प्रोडक्टस एक्सपोर्टिंग कम्पनी, कावासाडु, पो० ओ० क्विलोन । | सदस्य | मत्स्य-यानों के स्वामियों और मछुओं का प्रतिनिधित्व करने के लिए । |
| 22 | श्री सी० चैरियन, मैसर्स मलबरी एक्योटिक प्रोडक्ट्स लि०, कनकानाडी मंगलौर । | सदस्य | प्रोसैसिंग प्लांटस, भंडार करण, गाड़ियों तथा रोजगार से लगे व्यक्तियों का प्रतिनिधित्व करने के लिए । |
| 23 | श्री एस० बी० एस० मणी, गुजरात मत्स्य केन्द्रीय सहकारी संस्था, अहमदाबाद । | सदस्य | मछुओं, विक्रताओं तथा मछली उद्योग में लगे व्यक्तियों का प्रतिनिधित्व करने के लिए । |
| 24 | श्री सैयद इब्राहिम, मैसर्स इंडो-आइसलेंडिक फिशरीज लि०, मद्रास । | सदस्य | गहरे समुद्र के मत्स्य-यानों तथा प्रौसैसिंग प्लांटस के स्वामियों का प्रतिनिधित्व करने के लिए । |
| 25 | श्री जोसेफ, मैसर्स जार्ज मैजो कम्पनी, कुडालुर, तमिलनाडु | सदस्य | प्रोसैसिंग प्लांटस एवं व्यापार के स्वामियों का प्रतिनिधित्व करने के लिए । |
| 26 | श्री के० एम० के० नायुडू, मैसर्स ईस्टकोस्ट सी फूड्स, टाडा (आंध्र प्रदेश) । | सदस्य | प्रोसैसिंग प्लांटस तथा गाड़ियों का प्रतिनिधित्व करने के लिए । |
| 27 | डा० वी० के० पिलाई, निदेशक, मत्स्य उद्योग-विद्या केन्द्रीय संस्थान एर्नाकुलम, कोचीन । | सदस्य | समुद्री उत्पाद उद्योग से संबंधित अन्वेषण में लगी अन्वेषक संस्थाओं में नियोजित व्यक्तियों के हितों का प्रतिनिधित्व करने के लिए । |
| 28 | समुद्री उत्पाद उद्योग में लगे हुए व्यक्तियों के हितों का प्रतिनिधित्व करने के लिए प्रतिनिधि । | सदस्य | बाद में घोषित किया जायेगा । |
| 29 | श्री एम० वी थामस, मैसर्स डनीस एंड थामस कोचीन-5 | सदस्य | मछुओं, उद्योग, व्यापार तथा मत्स्य उद्योग में लगे व्यक्तियों का प्रतिनिधित्व करने के लिए । |
| 30 | श्री एम० के० के० नायर, योजना आयोग, नई दिल्ली | सदस्य | अन्य हित । |

2. उपर्युक्त नामित समुद्री-उत्पाद निर्यात विकास प्राधिकारी के अध्यक्ष और अन्य सदस्य, पदेन सदस्यों के सिवाय, 15 अगस्त 1975 तक अपने पद पर बने रहेंगे ।

(सं० फा० 5/14/72-ई०पी० (कृषि-II)

के० वी० बालासुब्रह्मण्यम, अवर सचिव ।

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